

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.44480 of 2019 (O&M)
Date of Decision: 23.10.2019**

Vipin Sharma

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Baljeet Beniwal, Advocate for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana for the respondent/State.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 439 Cr.P.C. for grant of bail pending trial to the petitioner in case bearing FIR No.0096/2019 dated 17.03.2019, under Sections 34, 379-B of the Indian Penal Code, 1860, registered at Police Station DLF Phase-1, Gurugram.

Contentends that petitioner is in custody since 20.05.2019 and after framing of charges on 17.09.2019, now the case is fixed for prosecution evidence before learned trial Court for 24.10.2019. Also contends that there are total 14 prosecution witnesses in this case and out of them, none has been examined till date.

The above factual position is duly acknowledged by learned State Counsel, on instructions from A.S.I. Amit, but opposed the bail.

Heard both sides and perused the paper-book.

Since the investigation is already over and case is fixed for prosecution evidence. Concededly, there are total 14 prosecution witnesses and none has been examined till date, therefore, trial will take long time for its conclusion. It is also to be noticed that during test identification parade, complainant could not identify the present petitioner. Consequently, without expressing any opinion on the merits of the case, the present petition is allowed. Petitioner be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

The above observations may not be construed as an expression of opinion on the merits of the case.

It is clarified that in case there is any recurrence on the part of the petitioner, State of Haryana would be at liberty to move an appropriate application for recalling of this order.

October 23, 2019

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**(MAHABIR SINGH SINDHU)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>