

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

CRM-M-46996-2019

Date of Decision: 25.11.2019

Akshay

...Petitioner

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rakesh Nehra, Advocate for the petitioner.
Mr. Manish Bansal, DAG, Haryana.
Mr. Raman Chahar, Advocate for the complainant.

ANIL KSHETARPAL, J.

Petitioner prays for grant of regular bail in FIR No.167 dated 26.02.2018 registered under Sections 148, 149, 302 and 216 (added later on) of the Indian Penal Code at Police Station Jhajjar, District Jhajjar

Learned counsel for the petitioner contends that the petitioner is in custody since 28.03.2018. First Information Report was lodged by the father of the deceased on the basis of information supplied by Amit. However, Amit when examined under Section 161 Cr.P.C. by the Investigating Agency, has not named the petitioner.

Learned counsel has further drawn attention of the Court to order dated 17.09.2019 passed in CRM-M-38329-2019 titled as Sahil @ Katlu Vs. State of Haryana, while granting bail to Sahil @ Katlu, co-accused. Another co-accused Paramjeet has also been granted concession of bail vide order dated 23.10.2019 passed in CRM-M-43941-2019.

Learned counsel for the State submits that iron rod and motor-cycle have been recovered from the petitioner.

As noticed above, petitioner is in custody for 1 year and 8 months approximately. Out of 27 witnesses which the prosecution intends to examine, only three have been examined. Further application under Section 319 Cr.P.C. is pending praying for summoning Amit and others as additional accused.

As per information supplied by the learned counsel for the State, on instructions from ASI Baljeet Singh, petitioner does not have any criminal background. Age of the petitioner is 22 years.

Keeping in view the aforesaid facts and without commenting on the merits of the case, further incarceration of the petitioner shall not be justified. Hence, petitioner is directed to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

Accordingly, the present petition is allowed.

25.11.2019
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No