

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

CRM-M No. 56028 of 2018

Date of decision : 14.01.2019

Ashok alias Shoki

.....Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. K.D.S. Hooda, Advocate for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

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DAYA CHAUDHARY, J. (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No. 163 dated 18.04.2016 under Sections 148, 149, 307, 452, 212, 216 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959, registered at Police Station – Safidon, Distt. Jind, during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case because of the party faction, whereas he was not involved. The FIR was registered on the basis of statement of Narender Pal. The petitioner was arrested on 13.07.2016 and since then he is in custody. No weapon was recovered from him. There is no evidence except the alleged statement of the co-accused. Learned counsel also submits that allegations are there against main accused Jeeta and other

accused. Jeeta has been released on regular bail. Challan has been presented and, thereafter, charges have also been framed. Learned counsel further submits that three material prosecution witnesses including the injured and complainant have been examined but they have not supported the case of the prosecution. Learned counsel has also shown photocopy of the certified copy of the statement of PW-1 Narender Pal alias Bunt (injured complainant), PW-2 Chakarwari (injured) and PW-3 Anil. All these three witnesses have not supported the case of the prosecution.

Learned State counsel has not disputed the custody period and also the fact that co-accused Jeeta has been released on regular bail. However, he submits that the petitioner cannot claim parity with co-accused who has been released on regular bail. He submits that still two injured remained to be examined.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also gone through the contents of the FIR and other documents available on record.

By considering the submissions made by learned counsel for the petitioner and keeping in view the custody of the petitioner since 13.07.2016; the statements of said three material prosecution witnesses, who have not supported the case of the prosecution; there are total 54 prosecution witnesses, out of which 10 witnesses have been examined and still trial may take time to conclude, no purpose would be served by keeping the petitioner in custody. Accordingly, present petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing

adequate bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

14.01.2019

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No