

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

108+217

**CRM-3659-2019 in/and
CRM-M No.54708 of 2018.
Date of Decision: 31.01.2019.**

Azad

....Petitioner.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Shiva Khurmi, Advocate for the petitioner.

Mr. Ashish Sanghi, Deputy Advocate General, Haryana.

Shekher Dhawan, J.

CRM-3659-2019

Statements of PW3 and PW4 (Annexure-P2 and P3) are taken on record, subject to all just exceptions.

CRM stands disposed of.

Main Case

Present petition under Section 439 of the Criminal Procedure Code has been filed for grant of regular bail to the petitioner in case F.I.R. No.197 dated 26.11.2017 under Sections 395, 397, 420 of the Indian Penal Code and Section 25 of the Arms Act, registered at Police Station Bichor, District Nuh.

Learned counsel representing the petitioner contended that the petitioner is in custody since 16.03.2018 and the main witnesses in the case i.e. complainant and the eyewitness have already been examined before learned trial Judge as PW3 and PW4 and none of them has supported the prosecution version and they even failed to identify the accused persons facing the trial. The trial of the case still to take some more time, so the

petitioner be released on bail.

Status report by way of affidavit of Ashok Kumar, Deputy Superintendent of Police, Punhana, District Nuh, filed by learned State counsel is taken on record.

Learned State counsel opposed the prayer for bail to the petitioner on the ground that the weapon used for commission of offence was recovered and that is to be proved on the basis of statements of remaining prosecution witnesses. Moreso, there are 13 other cases of similar nature against the present petition, so he does not deserve the concession of bail and the present petition be dismissed.

Having considered the submission made by learned counsel for the parties and the fact that most important witnesses in this case i.e. PW3 and PW4 have not supported the prosecution case, as regard to identity of the accused persons, trial of the case still to take some more time, so at this stage, without commenting anything on the merits of the case and having considered the fact that the petitioner is in custody since 16.03.2018, trial of the case still to take some more time and no useful purpose would be served by detaining the petitioner behind the bar any more, the present petition is allowed. Petitioner-Azad is ordered to be admitted to regular bail on furnishing adequate bail bond and surety bond to the satisfaction of concerned learned trial Judge/ Chief Judicial Magistrate/ Duty Magistrate.

(SHEKHER DHAWAN)
JUDGE

31.01.2019
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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No