

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.283

CRM-M-52028-2018

Date of decision : 16.1.2019

Rajbir

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Prabhjeet Singh Sullar, Advocate, for the petitioner.

Mr. Satish Saini, DAG, Haryana

SUDHIR MITTAL, J. (Oral)

The petitioner seeks regular bail in case FIR No.103 dated 6.3.2017, registered at Police Station Kharkhoda, District Sonipat, under Sections 307, 120-B, 34 IPC and Section 25 of the Arms Act, 1959.

Learned counsel for the petitioner submits that the petitioner has been in custody since 15.6.2018. There are total 32 PWs and only 04 PWs have been examined till date. The complainant, namely, Suresh son of Sultan Singh, has not deposed in favour of the prosecution. Initially, the police filed an untraced report dated 17.9.2017, but the same was not accepted and more than 01 year and 03 months after the alleged incident, the petitioner has been named and arrested. There is no criminal case pending/decided against the petitioner and thus, the petitioner may be released on regular bail.

Learned State counsel does not dispute that a cancellation report was filed earlier and that the petitioner was named as accused more than one year after the date of the incident. It is also not disputed that there is no other criminal cases pending/decided against the petitioner. However, it is submitted that the petitioner is the master-mind and that on his direction

the co-accused fired at the injured persons.

Only the trial Court can return a finding regarding the involvement of the petitioner and in case it is found that the petitioner was the mater-mind, he would be punished for his offence.

At this stage, it is clear that the trial is not likely to be concluded at an early date and that there is no criminal case pending/decided against the petitioner. The evidence as on date appears to be sketchy as the complainant has also not supported the story of the prosecution.

Keeping in view the facts and circumstances of this case, I deem it appropriate to allow this petition. Accordingly, the petition is allowed and petitioner-Rajbir, is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

(SUDHIR MITTAL)
JUDGE

16.1.2019

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No