

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

**Criminal Misc. No. M-6512 of 2018
Date of decision: 16.01.2019**

Sudhir @ Motta

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana
for the respondent -State.

Mr. P.S. Sullar, Advocate
for the complainant.

Daya Chaudhary, J. (Oral)

The present petition has been filed by petitioner-Sudhir @ Motta under Section 439 Cr.P.C. for grant of regular bail to him in case FIR No.94 dated 26.03.2015 registered under Sections 148, 302, 341, 307, 216 and 149 IPC and Section 25/54/59 of the Arms Act at Police Station Sadar, Narnaul, District Mahendergarh, Haryana.

Learned counsel for the petitioner submits that it is a case of version and cross-version. Only the name of the petitioner is mentioned in the FIR but there is no eye witness. No recovery has been effected from the petitioner and he has been implicated in the case only on the basis of disclosure statement made by co-accused, which has no evidentiary value. The petitioner is in custody since 28.06.2015 and undergone custody of more than 3 years and 6 months. There are total 48 prosecution witnesses and after examination of material witnesses, still 23 witnesses remain to be

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examined. Trial may take long time to conclude and no purpose would be served by keeping the petitioner in custody.

Status report by way of affidavit of Mr. Vinod Kumar, HPS, Superintendent of Police, Narnaul, District Mahendergarh at Narnaul has been filed in the Court today and the same is taken on record.

Learned State counsel has not disputed the custody period; stage of trial as well as examination of material witnesses but has opposed grant of regular bail to the petitioner on the ground that a number of cases of serious nature are there against the petitioner and even in a case under Section 307 IPC, the petitioner has been convicted.

Similarly, learned counsel for the complainant has also opposed the grant of regular bail to the petitioner on the ground of seriousness of offence and the fact that the petitioner is a habitual offender as he is involved in a number of cases as pointed out by learned State counsel.

Heard arguments of learned counsel for the parties and have also perused the contents of the FIR and other documents available on the file.

In the status report, total 12 cases including the present one are reflected against the petitioner. The petitioner has been acquitted in 8 cases and he has been convicted in one case. In one case, he has undergone the sentence. The petitioner is on bail in one case and he is in custody in the present case only.

Without commenting anything on the merits of the case and by considering the custody since 28.06.2015 ; no recovery was effected from the petitioner; there is no eye witness account; all the material witnesses

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have been examined; trial may take time to conclude, the present petition is allowed and the petitioner (Sudhir @ Motta) is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court, if not required in any other case.

However, it is made clear that in case, the petitioner is found to be involved in any other case of serious nature, the State is at liberty to move an application for cancellation of bail.

16.01.2019	(DAYA CHAUDHARY)
neetu	JUDGE
Whether speaking/reasoned	Yes
Whether Reportable	No