

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

CRM-M No.50107 of 2018 (O&M)

Date of Decision: 07.05.2019

Ramphal @ Baru

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Jitender Dhanda, Advocate for the petitioner.

Mr. Yashwinder Singh, DAG, Haryana for the respondent.

Mr. Rajeev Sharma, Advocate for the complainant.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of bail pending trial to the petitioner in case FIR No.79 dated 01.06.2018, under Sections 307, 323, 34 of the Indian Penal Code, 1860, registered at Police Station Bass, District Hansi.

It is contended by learned Counsel for the petitioner that as a matter of fact, this is a version and cross-version as initially, petitioner's side also moved an application, but police did not take any action and now the criminal complaint has been filed, which is pending before the Court of competent jurisdiction. Further contends that after completion of investigation, report under Section 173 Cr.P.C. was submitted on 25.08.2018 and thereafter, charges were framed on 18.12.2018. Also contends that there are total 14 prosecution witnesses and only two have

been examined till date. Third prosecution witness i.e. injured has been partly examined as his examination-in-chief has been recorded, but the prosecution moved an application under Section 319 Cr.P.C. and now the case is pending for 18.07.2019.

The above factual position is duly acknowledged by learned State Counsel, on instructions from ASI Surjeet Singh, as well as learned Counsel for the complainant, however, they opposed the present bail application on the ground that petitioner is the main accused.

Heard both sides and perused the paper-book.

Concededly, petitioner is in custody since 27.06.2018 and now the trial is pending for 18.07.2019 for consideration of the application under Section 319 Cr.P.C., moved by the prosecution.

No doubt, as per the case of the prosecution, petitioner has given a severe blow to an old age person of 71 years, but the fact remains that there is cross-version also and a private complaint to that effect is pending before the Court of competent jurisdiction. Out of total 14 prosecution witnesses, only 02 have been examined and now case is pending before learned trial Court for consideration of the application under Section 319 Cr.P.C. moved by the prosecution, thus, trial is likely to take a long time for its conclusion, therefore, no purpose would be served by keeping the petitioner behind the bars any more. Consequently, this Court is left with no option except to release the petitioner on bail forthwith.

In view of the above, without expressing any opinion on the merits of the case, the present petition is allowed. Petitioner be admitted to

bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

The above observations may not be construed as an expression of opinion on the merits of the case.

However, it is clarified that in case there is recurrence on the part of the petitioner or extend any threat in any manner to the prosecution witnesses, State as well as complainant would be at liberty to move an application for recalling of this order. It is also clarified that petitioner shall fully co-operate with learned trial Court and will not seek any unnecessary adjournments.

May 07, 2019
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes