

CRM-M-23763-2020

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(PROCEEDINGS THROUGH V.C.)

CRM-M-23763-2020

Date of Decision: August 26th, 2020

Sachin @ Ganja @ Matha

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present Mr. Harinder Pal Singh Ishar, Advocate
for the petitioner.

Ms. Tanisha Peshawaria, DAG, Haryana.

AUGUSTINE GEORGE MASI, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.208, dated 07.04.2016, registered at Police Station Sadar Rohtak, District Rohtak, under Sections 353, 186, 307, 412 and 34 of the Indian Penal Code & Section 25 of the Arms Act.

It is the contention of the learned counsel for the petitioner that the petitioner happens to be the occupant of the Swift Car, where one of the occupants thereof, namely, Abhishek @ Ashu had fired at the police naka, when the car was signaled to stop. He contends that the petitioner was not arrested at the spot but named at a subsequent stage. On the basis of the statement of co-accused, petitioner was arrested on 21.04.2017 and since

then, he is in custody. Counsel states that the trial is not likely to conclude in near future as out of the total 24 prosecution witnesses, only 08 have been examined till date. He, thus, contends that the petitioner be granted the concession of regular bail as he is in custody for the last more than three years.

On the other hand, counsel for the State submits that the petitioner although was occupant of the vehicle but one of the occupants had fired at the police party, which clearly shows the intent of the occupants of the car. The petitioner had three other cases registered against him, although it is a different aspect that he has been acquitted in those cases. She contends that the petitioner does not deserve the concession of bail as he along with co-accused had attacked the police party. She further contends that one of the co-accused, namely Rahul, has been declared as proclaimed Offender and has not been arrested till date.

I have considered the submissions made by the learned counsel for the parties and keeping in view the fact that except for the petitioner being one of the occupants of the Swift car, there is no other overt act attributed to him in the present incident. Other cases which have been referred to by the learned counsel for the State may not be relevant as he has been acquitted in those cases. The petitioner is in custody for the last more than three years and the trial is not likely to conclude in near future in the light of the prevailing circumstances and because out of the total 24 prosecution witnesses, only 08 have been examined till date.

In view of the above facts, this criminal miscellaneous petition

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is allowed. Petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Rohtak.

Any observation made herein-above shall have no bearing on the merits of the case during the trial in any manner.

August 26th, 2020
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No