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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32899-2020
Date of decision-30.10.2020

Kuldeep

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. K.L.Saini, Advocate for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.163 dated 18.04.2016 registered under Sections 148, 212, 216, 307 and 452 read with Section 149 of Indian Penal Code, 1860 and Section 25 Arms Act, 1859 at Police Station Safidon, District Jind.. The petitioner is in custody since his arrest on 22.07.2016.

The FIR was lodged on the statement of complainant, Narender Pal @ Bunt son of Gurbaksh Singh, wherein it was stated that on 17.04.2016 when he was sitting along with Shispal, Chakarwanti, Sonu, Deepak and Anil in park situated in front of his premises, then at about 4.30 p.m., Jita accompanying 7-8 persons, who were armed with weapons entered the house and said that Ashok Mandi wants to meet him. On inquiry by

indiscriminately. When the complainant and his companions raised alarm, then all assailants ran away. The gun shot hit Shish Pal, Chakarwanti, Anil and Deepak. On these broad allegations, FIR was registered.

Learned counsel for the petitioner contends that name of the petitioner does not figure in the FIR and the material witnesses have also been examined by the prosecution. He has drawn attention of the Court to the statements of witnesses (Annexures P-7 to P-9) including the complainant and argued that they have not supported the prosecution case. It is pointed out that the petitioner is in custody since his arrest on 22.07.2016 and still 40 prosecution witnesses remain to be examined, therefore, the trial is likely to consume considerable time. He has invited the attention of the Court to Annexures P-1 to P-5 to contend that co-accused of the petitioner have been released on regular bail by this Court. He prays that the petitioner be released on bail during the pendency of the trial.

On the other hand, learned State counsel assisted by SI Hari Kishan has opposed the prayer. However, it is not disputed by the learned State counsel that co-accused of the petitioner have been released on regular bail and still 40 prosecution witnesses remain to be examined.

After hearing the learned counsel for the parties, this Court finds that the investigation of the case is complete. It is apparent that the trial is progressing at a slow pace. This Court is cognizant of the fact that the outbreak of pandemic COVID-19 in the region may further delay the conclusion of trial. The background of the case further reveals that the case of the petitioner is almost similar to the co-accused, who have been released on regular bail, therefore, this Court does not find any reason to decline the prayer.

merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

30.10.2020
vanita

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