

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 43758 of 2019

Date of Decision: 29.1.2020

Tahender alias Tendra

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Gautam Dutt, Advocate
for the petitioner.

Mr. Rahul Mohan, DAG, Haryana.

Ms. Avneet Kaur, Brar, Advocate
for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner seeks regular bail in FIR No. 296 dated 13.10.2017 under Sections 148/149/342/302/120-B IPC (charges framed under Section 302 r/w Section 34 IPC) registered at Police Station Bahin, District Palwal.

Learned counsel for the petitioner submits that in the present case, the FIR was registered on the statement of Babita, whose husband Naresh has been killed. As per the allegations, one Vikas informed Babita that her husband had been taken away in the house of Tahender alias Tendra (petitioner) where Tahender (petitioner), Munita, Kiran, Lajja, Karan, Munesh, Ravinder @ Rabbo, Mukesh, Dinesh and Mahesh inflicted injuries on him. Learned counsel further submits that co-accused Munita, Lajja and Karan have been granted bail by the trial Court whereas Babita has been

resiled from her earlier statement and so far as Vikas is concerned, he has not been appearing before the trial Court for the last so many dates and bailable warrants have been issued against him. He further submits that the petitioner has been in custody since 13.10.2017.

Learned State counsel, on instructions from ASI Naseeb, submits that out of 22 prosecution witnesses, 16 witnesses have been examined.

Learned State counsel as well as counsel for the complainant have not disputed the fact that complainant Babita has resiled and Vikas has been summoned through bailable warrants.

The petitioner has been in custody since 13.10.2017. Out of 22 prosecution witnesses, 16 witnesses have been examined and the trial will take time to conclude. No useful purpose would be served by keeping the petitioner behind the bars.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

January 29, 2020
Gurpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No