

CRM-M-48879 of 2019

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

CRM-M-48879 of 2019

Date of Decision: 12.06.2020

Mohit

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Dalip Kumar Tuteja, Advocate,
for the petitioner.

Mr. Pradeep Prakash Chahar, DAG, Haryana.

AMOL RATTAN SINGH, J. (ORAL)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

By this petition, the petitioner seeks the concession of 'regular bail', under the provisions of Section 439 of the Cr.P.C., upon FIR no.239, dated 17.04.2018, having been registered against him, alleging therein the commission of offences, punishable under Sections 302 read with Section 34 of the IPC as also Section 25/54/59 of the Arms Act, 1959 (with Sections 411 and 120-B of the IPC added later on).

Learned counsel for the petitioner submits that the petitioner has been in custody for more than two years now, with only two prosecution witnesses out of 31 having been examined so far and with the next date of hearing before the trial court being July 31, 2020.

He further submits that the role attributed to the petitioner even as per the case of the prosecution (though the petitioner denies that), is that he helped his co-accused who actually fired the shots at the deceased, leading to his death, to escape from the site of occurrence.

Mr. Chahar, learned State counsel, though opposes the petition, factually could not deny either the period of detention of the petitioner, nor his role as per the case of the prosecution, nor even the fact that only two prosecution witnesses out of 31 having been examined so far.

Keeping in view the above, without making any comment on the actual merits of the case, this petition is allowed, with the petitioner ordered to be admitted to bail to the satisfaction of the trial court/Chief Judicial Magistrate/Duty Magistrate concerned.

June 12, 2020
dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.