

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

212

CRM-M-1194 of 2020

Date of Decision: 26.10.2021

Anshul Dhankhad

.... **Petitioner**

Versus

State of Haryana

.... **Respondent**

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Pawan Singh, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

SUDIP AHLUWALIA, J (ORAL)

The instant Petition has been filed under Section 439 of the Code of Criminal Procedure seeking Regular Bail on behalf of the Petitioner in case FIR No.70 dated 06.02.2017, registered under Sections 120, 201, 212, 302 and 34 IPC, at Police Station Palam Vihar, District Gurugram.

[2] The petitioner has remained in detention for almost 4½ years, since 28.04.2017.

[3] As already noted in the previous order dated 04.10.2021, trial in the case has been proceeding at a slow pace and till that time, only 12 witnesses out of the total 53 witnesses from the prosecution side have been examined. This Court nevertheless adjourned its proceedings in the present case to monitor the further progress in the trial, since the next date fixed in the learned trial Court at that stage happened to be 05.10.2021, after which it was again adjourned to 14.10.2021. It is reported by Ld. Counsel for the petitioner that even on these two dates, no additional witnesses from the prosecution side was examined, which submission is not disputed by Ld.

[4] Ld. Counsel for the petitioner further draws attention of the Court to the effect that according to the FIR, the petitioner is alleged to have fired at the deceased/victim by a country made pistol, but the bullets/pellets recovered from the spot as well as those extracted from the body of the deceased were not at all connected with the Fire arm recovered from the petitioner, as noted in the Ballistic Report which was part of the challan papers, and which submission has also been earlier recorded by this Court in the order passed on 31.08.2021, and that the complainant himself while deposing from the prosecution side has also turned hostile.

[5] In such circumstances, without commenting any further on the merits of the present case as a whole, but in view of the detention undergone by the petitioner, and also considering the fact that at its present pace, completion of trial is likely to take a substantial long time, the prayer of the petitioner for regular bail is allowed and he is ordered to be released on bail subject to appropriate terms and conditions to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

[6] Disposed off.

(SUDIP AHLUWALIA)
JUDGE

26.10.2021
D.Bansal

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No