

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

114

**CRM-M-23531-2021
Date of Decision: 27.10.2021**

Satish

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Ajaivir Singh, Advocate for petitioner.

Mr. Vikrant Pamboo, Deputy Advocate General, Haryana.

Mr. G.S.Sandhu, Advocate for complainant.

Lalit Batra, J.(Oral)

This second petition under Section 439 Cr.P.C for grant of regular bail has been moved by petitioner-**Satish** in case FIR No.185 dated 03.04.2021 under Sections 114, 307 and 323 IPC and Section 27 of Arms Act, registered at Police Station Assandh, District Karnal.

Status report dated 15.09.2021 by way of affidavit of Gaurav, IPS, ASP, Assandh, along with Annexure R/1 already filed on behalf of respondent-State, is taken on record.

Learned counsel for the petitioner *inter alia* contends that version, as alleged in the FIR, is totally concocted one and there is no iota of truth therein. He further submits that petitioner is languishing in custody since 04.04.2021 and he is no more required by the Police for any investigation purpose as after completion of investigation, final report as

envisaged under Section 173 Cr.P.C. (*Challan*) has already been presented in Court and trial has commenced. He further submits that during the course of trial, testimonies of material prosecution witnesses namely PW-1 Meena (mother of victim-Prince), PW-2 Prince (victim) and PW-3 Sher Singh (complainant) have already been recorded by Trial Court (copies of testimonies of witnesses have been placed on record today itself in the Court), wherein those material prosecution witnesses have not supported the cause of prosecution. He further submits that since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing the cause of petitioner has vehemently argued that in view of seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties and have carefully gone through the contents of petition as well as testimonies of prosecution witnesses namely PW-1 Meena, PW-2 Prince and PW-3 Sher Singh.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is in custody since 04.04.2021; that petitioner is no more required by the Investigating Agency for investigation purpose; that *Challan* has already been presented in Court; that testimonies of material prosecution witnesses namely PW-1 Meena, PW-2 Prince and PW-3 Sher Singh have already been recorded and since trial of the case

would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner-**Satish** is allowed and he is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of Trial Court/ Chief Judicial Magistrate/Duty Magistrate, Karnal, as the case may be.

(LALIT BATRA)
JUDGE

27.10.2021

Varinder Prashad

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