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

**CRM-M-41259-2021 (O&M).
Decided on: October 29, 2021.**

Vivek Kumar Puri

.. Petitioner

VERSUS

State of Haryana

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Amrik Singh Kalra, Advocate,
for the petitioner.**

Mr.Naveen Singh Panwar, DAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure, seeking regular bail in FIR No.423 dated 24.11.2018, under Sections 396, 302,307 and 120-B IPC and Section 25 of the Arms Act, 1959, registered at Police Station Ambala City, District Ambala.

Learned counsel for the petitioner has submitted that the petitioner is in custody from 20.04.2019 and the case of the prosecution is at

the prosecution evidence stage and out of 37 witnesses cited by the prosecution, 11 witnesses have been examined. He has submitted that the trial of the case would take long time as it is proceeding at a very slow pace. He has further submitted that it is a case where the name of the petitioner was nominated on the basis of the disclosure statement of the co-accused namely Ankur and the petitioner was not even present on the spot and he was not even seen in the CCTV footage. He has further submitted that the petitioner is not involved in any other case and the similarly stated co-accused namely Gurvinder Singh @ Guri and Simranjit Singh @ Simmy have been granted regular bail by a Co-ordinate Bench of this Court vide CRM-M-37255-2020 and CRM-M-40044-2019 respectively.

On the other hand, learned State counsel has stated that it is correct that the petitioner is in custody since 20.04.2019 and after completion of investigation challan was presented and 11 witnesses have already been examined by the prosecution. He has also stated that it is correct that the petitioner is not involved in any other case and the co-accused who were on parity with the petitioner have been granted bail by this Court. However, he has opposed the grant of bail on the ground that the matter was serious in nature.

I have heard the learned counsel for the parties.

The petitioner is in custody since 2½ years and 11 prosecution witnesses have already been examined. The other two similarly situated co-accused have been granted regular bail by this Court and the petitioner was also nominated on the basis of disclosure statement of the co-accused. Furthermore, it is not the case of the State that in case the petitioner

is released on bail then he may influence any witness or may tamper with any evidence or may flee from justice.

Therefore, keeping in view the totality of circumstances of the present case, this Court deems it fit and proper to grant regular bail to the petitioner. Accordingly, the present petition is allowed. It is ordered that the petitioner shall be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

October 29, 2021.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

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