

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

CRM-M-38820-2020

Date of decision:02.09.2021

Sonu alias Dhola

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Munish Kumar Garg, Advocate for the petitioner.

Mr. Ashok Singh Chaudhary, Addl. A.G., Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks regular bail in case bearing FIR No.284 dated 24.12.2015 registered under Sections 302 read with Section 34 IPC and Section 25 of the Arms Act at Police Station Julana, District Jind.

Learned counsel for the petitioner states that all the material witnesses have been declared hostile. He has drawn the attention of this Court towards the statement of PW10 EASI Ashok Kumar, who stated that no recovery was effected from the petitioner in pursuance of disclosure statement (Ex.P11) and he was interrogated by the Investigating Officer at about 09.00 AM. The petitioner has been in custody for the last 4 years. As far as three other FIRs registered against the petitioner are concerned, the sentence awarded to him in case bearing FIR No.36 dated 17.03.2012 stands suspended, whereas he has been released on bail in three other cases.

Learned State counsel, while opposing the prayer for grant of

regular bail, does not dispute the custody period of the petitioner. However,

he submits that the petitioner is the main accused in this case and has inflicted gun shot injuries to the deceased. Moreover, PW5 Chandi Ram in his testimony has stated that one motorcycle coming from Julana side and being driven by its rider in a rash and negligent manner, struck his (Chandi Ram's) motorcycle and due to the accident, two pistols and cartridges came out from the pocket of the motorcycle rider and fell on the road. It is further submitted that out of 30 prosecution witnesses, 19 witnesses have been examined till date.

I have heard the learned counsel for the parties.

In the present, the petitioner has been in custody for the last 4 years. All the material witnesses have turned hostile. As far as other FIRs registered against the petitioner are concerned, he stands convicted and sentenced in one case and in appeal, his sentence stands suspended, while in the remaining three cases, he is on bail. The trial will take time to conclude. Thus, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail to the satisfaction of the learned trial Court/Duty Magistrate.

02.09.2021

ishwar

(HARNARESH SINGH GILL)
JUDGE

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