

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

(Through Video Conferencing)

CRM-M-2565-2021

Date of Decision: 01.04.2021

NITIN

.....Petitioner

V/s.

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

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

Ms. Tanushree Gupta, Deputy Advocate General, Haryana.

MANJARI NEHRU KAUL, J. (Oral)

This is the second petition filed under Section 439 of the Code of Criminal Procedure for grant of concession of regular bail to the petitioner in case FIR No.431 dated 04.06.2018 under Sections 307, 120-B, 34 of the Indian Penal Code, 1860 registered at Police Station Sadar Gurugram, District Gurugram (Haryana).

On a pointed query put to the learned counsel for the petitioner as to what were the changed circumstances pursuant to the dismissal of the previous petition filed under Section 439 of the Cr.P.C, 1973 on 14.08.2020 by this Court which would warrant acceptance of the instant petition, it has been submitted that prosecution witnesses including the complainant have been examined. He has further submitted that the petitioner has been in custody since 10.08.2018 and in the wake of his long custody and the fact that the trial is unlikely to conclude in the near future, the petitioner may be extended the concession of regular bail.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Rakesh, has apprised this Court that the petitioner is a man of criminal antecedents inasmuch as there are 7 more criminal cases registered against him under Section 302, 307 of the IPC, 1860 as well as under the Arms Act, 1959. She has also apprised the Court that after the registration of the FIR in question, the injured was murdered in another occurrence by the accused-petitioner as a result of which FIR under Section 302 of the IPC, 1860 now stands registered against him. She has also submitted that trial is nearing completion inasmuch as 23 out of 27 cited prosecution witnesses have been examined till date and the remaining witnesses are likely to be examined by the trial Court on the next date of hearing on 28.04.2021.

Heard.

Prima facie, there are serious allegations against the petitioner for which he does not deserve the concession of regular bail. Resultantly, the instant petition stands dismissed. However, it is made clear that anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

April 1, 2021

Ess Kay

**[MANJARI NEHRU KAUL]
JUDGE**

Whether speaking / reasoned : *Yes / No*

Whether Reportable : *Yes / No*