

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

CRM-M-526-2021

Date of decision: 09.12.2021

OM PARKASH

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. J.S. Gill, Advocate
for the petitioner.

Mr. S. S. Mann, Addl. A. G. Haryana.

SUDHIR MITTAL, J.

This is the second petition for grant of regular bail in FIR No.83 dated 22.03.2019 registered at Police Station Cheeka, Distt. Kaithal, under Sections 148, 302, 323, 324, 427, 295-A, 120-B read with Section 149 of IPC.

The first petition was withdrawn vide order dated 28.08.2020.

Learned counsel for the petitioner submits that the petitioner has been in custody for more than 2 years 9 months. A total of 41 witnesses have been cited and none has been examined till date.

This is also a case of version and cross-version and the complainant has been named as an accused in FIR under Section 307 IPC. Thus, the petitioner may be granted regular bail.

Custody certificate dated 08.07.2021 is on record. After considering the same, it is evident that the petitioner has undergone custody in excess of 2 years and 9 months.

Learned State counsel concedes that none of the prosecution witnesses has been examined till date. He states that the petitioner is the main accused and weapon of offence was recovered from him. Thus, he does not deserve to be granted regular bail.

There is no other criminal case pending against the petitioner as in evident from the custody certificate.

Thus, keeping in view the custody period as well as the fact that the trial will take a long time to conclude, I deem it appropriate to allow this petition.

The petition is accordingly allowed. It is directed that the petitioner be released on bail on furnishing the bail and surety bonds to the satisfaction of the trial court/Duty Magistrate, concerned.

09.12.2021
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(SUDHIR MITTAL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No