

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

CRM-M- 54500-2019 (O&M)

Date of Decision: March 26, 2021

(Heard through VC)

Vinod Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Anter Singh Brar, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.117 dated 29.07.2017, under Sections 302, 201, 34 of Indian Penal Code registered at Police Station Raipur Rani, District Panchkula.

Learned counsel for the petitioner contends that the petitioner was not named in the FIR. In fact, he was arrayed as an accused only on the basis of circumstantial evidence. The FIR was registered almost seven months after the date of occurrence. It is further contended that the petitioner herein is in custody since 30.07.2017 i.e. for a period of almost three years and eight months. It is argued that the co-accused has already been allowed regular bail by the Co-ordinate Bench of this Court in CRM-

M-2339-2018 vide order dated 13.11.2019. Learned counsel for the petitioner would further argue that the trial has not proceeded at all since out of 37 witnesses only 11 witnesses have been examined as on date, which was the position as on 30.11.2019 when the co-accused was allowed regular bail. However, the material witnesses have already been examined and there is no likelihood of the petitioner herein influencing them in any manner, therefore, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from SI Rajinder Singh, opposes the grant of regular bail to the petitioner, while submitting that offences alleged against the petitioner are serious in nature.

I have heard learned counsel for the parties.

The trial is likely to take some time as out of 37 total witnesses only 11 witnesses have been examined so far. The petitioner herein has been in custody since 30.07.2017. Statements of the material witnesses have been recorded. No useful purpose would be served in keeping the petitioner behind bars any longer. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

March 26, 2021
seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No