

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

**CRM-M-859-2022 (O&M)
Date of decision: 22.03.2022**

Amit Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Deepak Grover, Advocate for the petitioner.

Mr. Surender Singh, AAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

CRM-10047-2022

Application is allowed as prayed for. Annexures P-5 to P-8 are taken on record.

Main case:

The petitioner has filed this second petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 288 dated 13.07.2019, registered under Sections 395, 397, 34 IPC and Section 25 of the Arms Act, 1959, Sections 325, 201, and 120-B IPC were added later on) at Police Station Chandhuth, District Palwal, the first one having been dismissed as withdrawn on 27.10.2021.

Learned counsel for the petitioner submits that the FIR was

lodge on the statement of Baldev; that the petitioner has falsely been implicated in the present case; that the petitioner was indicted on the disclosure statement of the co-accused; that post the dismissal of the earlier bail petition, complainant-Baldev and eye witness, Rohan@Sohan, were examined before the learned trial Court as PW-3 and PW-4 and they have been declared hostile; that co-accused, Sonu and Vikash @ Kala Gujjar have been enlarged on bail; that the petitioner has been in custody since 08.04.2020.

Learned State counsel, while vehemently opposing the prayer for bail submits that complainant-Baldev and Laxman (Gunman) were attacked upon by 6-7 persons and the recovery of baton has already been effected from the petitioner. However, he does not dispute the custody period of the petitioner. He submits that out of 26 prosecution witnesses, only 04 have been examined so far.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 08.04.2020. Two material witnesses have already been declared hostile and moreover, two co-accused have already been enlarged on regular bail. The remaining prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take time. Hence, 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 on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

22.03.2022
Mangal Singh

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