

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-6021-2022
Date of decision : 31.05.2022

Gaurav Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Sushil Kumar Verma, Advocate
for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J.(ORAL)

This is a second petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.69 dated 06.03.2021 registered under Section 379-A IPC at Police Station Sadar Sirsa.

Learned counsel for the petitioner has submitted that in the present case, the petitioner was in custody from 15.03.2021 till 13.05.2021 and has been in custody from 12.08.2021 till date and out of 7 prosecution witnesses, only 1 witness has been examined and thus, the trial is likely to take time. It is stated that the petitioner was on interim bail from 13.05.2021 to 12.08.2021 and he had not misused the said concession of interim bail and had also surrendered on time. It is also stated that the petitioner had earlier filed regular bail petition which was withdrawn on 03.11.2021 at that stage and even after the passing of the said order, a

period of more than 5 months has elapsed and the trial has not made much progress. It is further submitted that the petitioner is not involved in any other case and the alleged recovery has already been effected.

Learned State counsel has opposed the present petition and has submitted that in all there are 7 prosecution witnesses and 1 witness has been examined and the next date before the trial Court is 20.08.2022 and remaining six witnesses have been summoned.

This Court has heard learned counsel for the parties and has perused the paper book.

The petitioner was in custody from 15.03.2021 to 13.05.2021 and has thereafter been in custody from 12.08.2021 till date and thus, his custody period, in all, is approximately 11 months and out of the 7 prosecution witnesses, only 1 witness has been examined, thus, the trial is likely to take time. The petitioner is not involved in any other case. The alleged recovery has already been effected and the petitioner was granted interim bail and he had not misused the same and had also surrendered on time. The earlier bail petition was dismissed as withdrawn at that stage on 03.11.2021 and even after passing of the said order, sufficient time has elapsed and the trial has not made much progress and thus entitles the petitioner to file the second petition for regular bail.

Keeping in view the above said facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

May 31, 2022

Davinder Kumar

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