

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

247

CRM-M-7536-2022 (O&M)

Date of Decision: 20.04.2022

SHAINTI @ SHANTI

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. RS Mamli, Advocate
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

HARNARESH SINGH GILL, J.(Oral)

Through this 2nd petition, the petitioner seeks regular bail in case bearing FIR No.0208 dated 07.06.2019 registered under Sections 302, 379-A, 34 IPC (Sections 397, 120-B IPC and Section 25 Arms Act, 1959 added later on) at Police Station Sadar Fatehabad, District Fatehabad.

Status report by way of an affidavit dated 19.04.2022 of the Deputy Superintendent of Police, Fatehabad, filed on behalf of the respondent-State, in the Court, is taken on record.

Learned counsel for the petitioner submits that, as per the prosecution, the petitioner along with other co-accused gave knife blow to the deceased (brother of the complainant); that the complainant, the eye-witness and the mother of the deceased, while appearing as PW-9, PW-10 and PW-11, have not supported the prosecution version and turned hostile and that the co-accused have already been granted the

concession of regular bail by this Court on 18.08.2020 and 28.08.2020. He further submits that the petitioner has been in custody since 09.06.2019.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that Investigating Officer and the concerned Doctor are yet to be examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 09.06.2019. The complainant, the eye-witness and the mother of the deceased have turned hostile. Co-accused have already been enlarged on bail. Some of the prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of both the sides, 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 learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

20.04.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*