

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

225

CRM-M-15892-2022

Date of Decision : April 25, 2022

RAVI @ MAKHAN

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Sushil Jain, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Addl. Advocate General, Haryana.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.198 dated 27.5.2017 under Sections 148, 149, 307, 506 IPC (Section 302 of IPC added later on) and Section 25 of the Arms Act, registered at Police Station Kundli, District Sonipat.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody from 28.5.2017 which is about one month short of 5 years. He submitted that the petitioner is not involved in any other case and has clean antecedents. He further submitted that the trial of the case is taking long time and all the prosecution witnesses were examined but thereafter when the matter was fixed for defence evidence, the prosecution moved an application under Section 311 Cr.P.C. for re-examination of some of the witnesses and resultantly there is a further delay in the trial. He submitted that the other

co-accused, namely, Mohit and Mukesh have been granted bail by this Court vide Annexures P-2 and P-3 and has submitted that since now an application has been moved by the prosecution itself for re-examination of the witnesses and there will be a further delay in the trial of the case, he may be considered for the grant of regular bail especially considering the long custody of the petitioner.

On the other had, the learned State counsel has stated that it is correct that the petitioner is in custody from 28.5.2017 which is almost 5 years and at the time of defence evidence now the prosecution has moved an application for re-examination of the witnesses and it is also correct that other two co-accused have been granted bail by this Court. He has, however, opposed the grant of bail to the petitioner on the ground that the petitioner was the main accused who had inflicted knife blows on the deceased. He has also stated that it is correct that the petitioner is not involved in any other case.

I have heard the learned counsels for the parties.

The petitioner is facing incarceration for about 5 years i.e. about 4 years and 11 months. At the time of defence evidence, the prosecution moved an application under Section 311 Cr.P.C. for re-examination of some of the witnesses which is still pending before the learned trial Court. It is not the case of the State that in case the petitioner is released on bail then he may abscond from justice or may influence any witness or may tamper with any evidence. Therefore, considering the long custody of the petitioner and the totality of the facts and circumstances of the case as aforesaid, this Court deems it fit and

proper to grant bail to the petitioner.

Consequently, the petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

April 25, 2022
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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No