

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

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CRM-M-16947-2022 (O&M)

Date of Decision: 29.08.2022

LALIT KUMAR

...Petitioner

Versus

STATE OF UT CHANDIGARH

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Manot Singh Gujral, Advocate for the petitioner.

Mr. CS Bakshi, APP UT Chandigarh.

HARNARESH SINGH GILL, J.(Oral)

Through this second petition, the petitioner seeks grant of regular bail in case bearing FIR No. 267 dated 21.08.2018 under Section 302 read with Section 34 IPC, registered at Police Station Sector-26, Chandigarh, the first one having being dismissed on merits on 21.05.2021.

Learned counsel for the petitioner submits that complainant, namely, Parkash, while appearing as PW-7 before the trial Court, has not supported the prosecution version and turned hostile. He further submits that the petitioner has been behind bars since 22.08.2018 and that taking into consideration the long incarceration of the petitioner coupled with the declaration of the eye witness (complainant) as hostile, the petitioner may be enlarged on regular bail. Still further, it is submitted that co-accused, namely, Vishal @ Mutiya, has already been granted the concession of regular bail by this Court on 01.04.2022.

Learned AAP appearing for U.T., Chandigarh, does not dispute the factum of PW-7 Parkash, having turned hostile. However, it is submitted that the petitioner had given a specific injury on the person of the deceased and that taking into consideration the gravity of the offence, he is not entitled to the concession of regular bail. He further submits that some of the prosecution witnesses are yet to be examined.

I have heard learned counsel for the parties.

As per the custody certificate, the petitioner has been in custody for more than four years. The eye-witness, PW-7 Parkash, while appearing before the trial Court on 17.02.2020, had turned hostile. Co-accused has 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, without expressing any opinion on the merits of the case, lest it should prejudice the case of either side, the present 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 trial Court/Duty Magistrate.

29.08.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>