

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

222

CRM-M-19584-2022

Date of Decision : **May 13, 2022**

HAARISH ALIAS MAMA

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Khalid Tauru, 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.570 dated 22.10.2015 under Sections 341, 365, 395, 397, 412, 201 IPC and Sections 25-54-59 of Arms Act, registered at Police Station Hodal, District Palwal.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody from 21.3.2016 which is more than 6 years and out of 37 witnesses, 9 witnesses have been examined. He submitted that the trial of the present case will take long time and the petitioner has faced incarceration for more than 6 years. He further submitted that the other co-accused, namely, Saddam, Sakir @ Chugga and Sarfraj @ Sanna have been granted bail by the learned trial Court. He submitted that so far as the other cases pending against the petitioner are concerned, the petitioner has already been acquitted in those cases.

On the other hand, the learned State counsel has submitted that it is correct that the petitioner is in custody from 21.3.2016 and nine witnesses have already been examined. He submitted that the petitioner is not at parity with the other co-accused.

I have heard the learned counsels for the parties.

In the present case the petitioner is in custody for more than 6 years and nine witnesses have already been examined as per the learned State counsel and so far as the involvement of the petitioner in other cases, the learned counsel for the petitioner has submitted that he has already been acquitted in those cases. As per the learned counsel for the petitioner, the other co-accused have been granted bail by the learned trial Court. Furthermore, it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or may tamper with any evidence or may flee from justice.

Therefore, considering the totality of circumstances of the present case especially the long custody of the petitioner which is more than 6 years, the petitioner is entitled for the grant of regular bail.

Consequently, the present 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.

(JASGURPREET SINGH PURI)
JUDGE

May 13, 2022
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No