

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

205

CRM-M-21510-2022

DATE OF DECISION: 11.07.2022

AJAY

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. S.S.Momi, Advocate for the petitioner.

Mr. Anant Kataria, DAG, Haryana.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking regular bail in FIR No.0087 dated 30.03.2013, under Sections 302, 120-B and 34 IPC and Sections 25 & 27 of the Arms Act, 1959 (Section 201 IPC added later on), registered at Police Station Sadar Narwana, District Jind.

Learned counsel for the petitioner contends that the petitioner has been arraigned as an accused on the basis of conspiracy. He further contends that the petitioner is not named in the FIR and no overt act has been attributed to him. He also contends that the main accused namely Sukhwinder, who has caused gun-shot injury, had been convicted but his sentence of imprisonment has been suspended by the Division Bench after he had undergone 3 years and 2 months. The petitioner has been arraigned as an accused primarily because he is brother of the accused namely Vijay who is stated to be involved in several cases. He also contends that the sentence of the co-accused namely Sukhwinder and Mohan has been suspended by the Division bench of this Court in CRM-42896-2018 & CRM-6022-2019 in CRA-D-920-DB-2018 on 11.07.2019. The petitioner has been is in custody for over a total period of 4 years and 3 months.

Learned State counsel, upon instructions from ASI Balwan Singh, contends that the petitioner had earlier been granted bail but he jumped the bail and he was re-arrested after several years. He also submits that the brother of the petitioner is a dreaded criminal and heading a gang. He also states that 33 out of 39 prosecution witnesses have been examined.

Heard.

In view of the above, especially when the petitioner is in custody for over 4 years and 3 months, the COVID-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

At the time of release of the petitioner, SHO, Police Station Narwana shall be informed. The petitioner shall furnish his mobile number to the SHO and shall keep his mobile's location on. He shall also appear in the police station on first Monday of every month till the conclusion of the trial.

(ANUPINDER SINGH GREWAL)
JUDGE

11.07.2022

SwarnjitS

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No