

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-27487-2022

Date of Decision: 27.10.2022

Rajesh alias Raja

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Vishal Garg Narwana, Advocate
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

KARAMJIT SINGH, J.

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.81 dated 1.6.2018 registered for the offences punishable under Sections 307, 34, 120-B IPC and Sections 25, 54, 59 of Arms Act at Police Station Alewa, District Jind.

Counsel for the petitioner submits that the petitioner was falsely implicated in the present case and is incarcerated for the last more than 2 years and 6 months and it will take considerable time for the trial to conclude. He further submits that complainant-injured/Rajesh while appearing in the witness box as PW1 has not supported the case of the prosecution and copy of his testimony is Annexure P-2 which is already placed on record. He further submits that even one another witness Suresh has also been declared hostile and copy of his testimony is Annexure P-3.

State counsel on instructions from SI Balwan Singh has not disputed the fact that the petitioner is in custody for the last more than 2 years and 6 months and that the trial is going on.

From the perusal of the custody certificate, it is evident that the petitioner is languishing behind the bars for the last more than 2 years and 6 months. Admittedly, the trial is going on. As per Annexure P-2 which has been placed on record by the counsel for the petitioner, it appears that complainant-injured/Rajesh, failed to identify the present petitioner and other accused persons while appearing in the witness box. Further, it will take considerable time for the trial to terminate. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

October 27, 2022

Paritosh Kumar

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No