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

**CRM-M-37418-2022
Date of Decision : 30.08.2022**

Mandeep @ Rangeela

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Rahul Jaswal, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, 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 bearing FIR No.149 dated 21.03.2019, under Sections 120-B,302, 34 IPC (lateron the offences under Sections 120-B has been deleted and the offence under Section 307 IPC and offence under Section 25 of the Arms Act has been added), registered at Police Station Samalkha, District Panipat.

Learned counsel for the petitioner has submitted that the petitioner is in custody from 06.04.2019 which is more than 03 years and 04 months. He submitted that the other co-accused namely Parveen alias Moni who is at parity with the petitioner, has been granted

bail by this Court. He submitted that the charges in the present case were framed on 25.09.2019 and thereafter number of adjournments were granted by the learned trial Court and the prosecution witnesses were summoned but as of today only 5 witnesses out of 21 have been examined. He has also submitted that one of the eye-witnesses namely Anil was summoned number of times but initially he although was present in the Court but was not examined and thereafter he did not turn up for deposing before the Court. He further submitted that infact the delay in the trial has been caused in view of the fact that the application has been moved by the prosecution under Section 319 Cr.P.C. for summoning of the additional accused and, therefore, no PW was examined but thereafter the said application was dismissed on 10.02.2021 and thereafter for about more than 11 times, the matter was adjourned for the examination of the prosecution witnesses but only the complainant and official witnesses were examined and the aforesaid Anil did not come forward for deposing. He also submitted that apart from the same, the petitioner has already faced incarceration for more than 03 years 04 months and infact the trial has been delayed at the hands of prosecution and considering the total custody of the petitioner, he may be considered for the grant of regular bail. He further submitted that the petitioner has got clean antecedents and is not involved in any other case.

On the other hand, learned State counsel has submitted that it is correct that the petitioner is in custody for about 03 years 04 months and the other co-accused namely Parveen alias Moni has been enlarged

on bail vide order dated 15.07.2022, passed by this Court in CRM-M-17544-2020 (Annexure P-5).

I have heard learned counsel for the parties.

Considering the custody of the petitioner which is about 3 years 04 months and the fact that there is a delay in the trial because of filing of application under Section 319 Cr.P.C. by the prosecution and the fact that the other co-accused has been granted bail by this Court vide Annexure P-5, this Court deems it fit and proper to grant the regular bail to the petitioner as well. Apart from the same, the petitioner is stated to be not involved in any other case and it is not the case of the State that in case the petitioner is released on bail, he may abscond from justice or influence any witness.

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

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

30.08.2022
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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No