

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

234

CRM-M-43949 of 2022

Date of Decision: 27.09.2022

Ravi @ Guddar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Vivek K. Thakur, Advocate, for
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 the grant of regular bail to the petitioner in FIR No.149 dated 21.03.2019, under Sections 120-B, 302, 34 IPC (Section 120-B IPC deleted and Sections 307 IPC and Section 25 of the Arms Act added later on), registered at Police Station Samalkha, District Panipat.

The learned counsel for the petitioner has submitted that the petitioner is in custody from 26.03.2019 which is about 3½ years. 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 number of times the witnesses were summoned but as of date only 7 out of 21 cited prosecution witnesses have been examined. He submitted that one of the eye witness namely Anil was summoned for number of times but initially he was present in the Court but was not examined but thereafter he did not even

turn up for deposing before the Court and even till date he has not been examined. He further submitted that in fact the delay in the trial has been caused because an application under Section 319 of the Code of Criminal Procedure was filed for summoning of an additional accused and therefore no PW was examined, but thereafter the said application was dismissed on 10.02.2021 and thereafter more than 11 times the matter was adjourned for recording the prosecution evidence but only the complainant and the official witnesses were examined and the aforesaid eye witness namely Anil did not come forward even till date. He further submitted that the petitioner has clean antecedents and he is not involved in any other case. He further referred to Annexure P-5 wherein the other similarly situated co-accused namely Parveen @ Moni has been granted regular bail by this Court vide CRM-M-17544 of 2020 on 15.07.2022.

On the other hand, Mr. Naveen Singh Panwar, learned DAG, Haryana has stated that it is correct that the petitioner has faced incarceration for about 3 ½ years. Now only 7 prosecution witnesses have been examined and the eye witness has still not been examined. He further submitted that it is also correct that the petitioner is not involved in any other case and the other similarly situated co-accused namely Parveen @ Moni has already been granted bail by this Court vide Annexure P-5.

I have heard the learned counsel for the parties.

The petitioner has already faced incarceration for about 3½ years and the other similarly situated co-accused namely Parveen @ Moni has been granted bail by this Court vide Annexure P-5. The petitioner is also stated to be not involved in any other case.

In view of the aforesaid facts and circumstances and especially considering the long custody of the petitioner and the fact that the another similarly situated co-accused has already been extended the benefit of regular bail, this Court deems it fit and proper to grant regular bail to the petitioner.

Consequently, the petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

September 27, 2022
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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No