

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

212

CRM-M-44380-2022 (O&M)

Date of decision : 12.12.2022.

Subhash

... Petitioner

Versus

State of Haryana

.. Respondent

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Manish Soni, Advocate for the petitioner.

Mr. Anant Kataria, DAG, Haryana.

Anupinder Singh Grewal, J. (Oral)

CM-42697 of 2022

This application is for placing on record the statements of the wife and mother of the deceased-Ramkaran as Annexures A-1 and A-2 respectively.

Heard. For the reasons stated in the application, the same is allowed and Annexures A-1 and A-2 are taken on record subject to all just exceptions.

Main case

The petitioner is seeking regular bail in FIR No.562 dated 01.08.2018, under Sections 302, 120-B IPC and Section 25 of the Arms Act, registered at Police Station Gurugram Sadar, District Gurugram.

Learned counsel for the petitioner submits that the petitioner has been arraigned as an accused as a conspirator along with one of his sons, namely, Nitin, who is in custody. The petitioner, who is 58 year old, is in custody for over four years and four months and is suffering from various

ailments including scoliosis along with lumbar spine due to paraspinal muscular spasm. He is also suffering from hemoptysis for which the Medical Board has opined that he needs further investigation (CT bronchial angiography + CT chest) and evaluation at higher center. He also submits that three prosecution witnesses remained to be examined and the trial is likely to take some time to conclude. He further submits that the family of the petitioner has shifted to another place and is not living in the village Islampur.

Learned State counsel has filed status report by way of an affidavit of Assistant Commissioner of Police, Sadar, Gurugram in Court which indicates that the cross-examination of PW-Rajesh is to take place and two other prosecution witnesses are to be examined but an application has been filed by the complainant for giving up one of those witnesses. The next date before the trial Court is 17.01.2023. He, upon instructions from ASI Rakesh, submits that although the petitioner is in custody for over four years and four months but in view of the serious allegations against him, he is not entitled to the concession of regular bail. He further submits that the family of the complainant, who is the sister-in-law of the petitioner stays along with his mother in the adjoining house of the village and there is an apprehension that the petitioner may cause harm to them.

Heard.

In view of the above especially when the petitioner is in custody for over four years and four months, he is suffering from various ailments 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, the SHO, Police Station Gurugram Sadar, District Gurugram, would be informed and the petitioner shall furnish his mobile number to the SHO and keep his mobile location on till the conclusion of the trial. He shall not visit the village Islampur, where the family of the complainant is stated to be residing, till the conclusion of the trial.

(ANUPINDER SINGH GREWAL)
JUDGE

December 12, 2022
sonia gugnani

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No