

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

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CRM-M-51458-2022

Date of decision : 14.11.2022

Ashwani

... Petitioner

Versus

State of Haryana

.. Respondent

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Rakesh Nehra, Senior Advocate with
Mr. Reetesh Kumar, Advocate for the petitioner.

Mr. Anant Kataria, DAG, Haryana.

Anupinder Singh Grewal, J. (Oral)

The petitioner is seeking regular bail in FIR No.159 dated 20.05.2017 under Sections 148, 149, 302, 449, 506, 120-B IPC and Section 25 of the Arms Act, registered at Police Station Beri, District Jhajjar.

Learned Senior counsel for the petitioner submits that although it is alleged that the petitioner and co-accused Atul had fired shots upon the deceased with their pistols but the FSL report indicates that the empty cartridges which were recovered from the place of occurrence and the pellets which were recovered from the body of the deceased were not fired from the pistol recovered from the petitioner. The petitioner is in custody for over five years and is not involved in any other case except a case under Sections 325 and 341 IPC.

Learned State counsel has filed the custody certificate in Court which indicates that the petitioner is in custody 05 years, 01 month and 10 days as on 12.11.2022. He, upon instructions from SI Ranbir Singh, states that none of the prosecution witnesses has been examined.

Heard.

This Court by order dated 07.12.2020 passed in CRM-M-14750 of 2020 had dismissed the previous petition preferred by the petitioner for regular bail and the trial court was directed to conclude the trial expeditiously. Learned State counsel had also made a statement that every effort shall be made to examine the prosecution witnesses without any further delay.

Learned State counsel states that due to Covid-19 pandemic, the trial could not proceed.

In view of the above especially when the petitioner is in custody for over five years and the trial has not made any headway, 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.

(ANUPINDER SINGH GREWAL)
JUDGE

November 14, 2022

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