

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

Sr. No.208

CRM-M-2163-2023

Date of Decision : February 13, 2023

Ankush @ Ashik @ Kalu @ Akish Phogat

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Baljeet Beniwal, Advocate, for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

SUDHIR MITTAL, J. (ORAL)

This petition has been filed for grant of regular bail in FIR No.447, dated 19.12.2019, registered at Police Station Beri, District Jhajjar, under Sections 307, 341, 201, 195-A, 34 IPC and Section 25 of Arms Act, 1959.

Learned counsel for the petitioner submits that petitioner has been in custody for more than one and a half years. The trial is not likely to be concluded at an early date as 07 more Pws remain to be examined. The complainant has not supported the prosecution version and thus, the petitioner may be granted regular bail.

Custody certificate dated 10.02.2023 digitally signed by Sh.Amit, Deputy Superintendent, District Prison, Jhajjar has been filed in Court. The same is taken on record. A perusal thereof shows that the petitioner has undergone actual custody of 01 year, 07 months and 17 days and there are three other criminal cases pending against him in one of which is under Section 174-A IPC.

Learned State counsel concedes that only 08 Pws have been examined out of a total of 15 Pws and that the complainant has not supported the prosecution version.

Keeping in view the period of custody undergone, the fact that the trial is not likely to be concluded at an early date as well as the fact that the complainant has not supported the prosecution version, I deem it appropriate to grant him regular bail. However, he shall not be released from custody if he is in custody in other cases because the custody certificate shows that he is not on bail in the other pending criminal cases.

For the foregoing reasons, the petition is allowed. He is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

Nothing stated hereinabove shall be construed as an opinion on the merits of the case.

February 13, 2023
Ankur

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No