

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

(207)

CRM-M-16705-2023
DATE OF DECISION:-30.05.2023

Sandeep

...Petitioner

vs.

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sushil Bhardwaj, Advocate, for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

HARKESH MANUJA, J.

(1) By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioner prays for grant of bail pending trial in case FIR No.630 dated 03.12.2020 under Sections 148, 149, 302 IPC, 1860, registered at Police Station Sector-32/33 Karnal.

(2) As per allegations levelled against the petitioner, he along with his accomplices murdered the brother of the complainant namely Pawan by throwing him from the roof and hitting him with bricks.

(3) Learned counsel for the petitioner submits that petitioner is behind the bars for a period of more than 2 years 5 months and trial is yet to commence effectively. He also submits that petitioner is first offender and the investigation in the present case already stands concluded with the filing of *challan* followed by framing of charges.

(4) On the other hand, learned State counsel opposes the prayer made herein while submitting that petitioner actively participated in the commission of offence as alleged in the FIR and thus, he is not entitled for grant of concession of regular bail.

(5) I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

(6) In the present case, investigation already stands concluded with the filing of *challan* followed by framing of charges, however, even after the expiry of more than 2 years and 5 months of custody, only one witness (complainant) has been examined that too partly as his cross-examination is yet to commence, whereas there are total 20 witnesses cited by the prosecution and thus trial is likely to take time, therefore, considering the long incarceration of the petitioner, who is not involved in any other case and one of the co-accused in similar circumstances with same allegations has already been released on bail vide order dated 20.02.2023 passed in CRM-M-28243 of 2022 titled **Kavita Vs. State of Haryana**, I do not see any justification to extend his incarceration any further.

(7) In view of the above, without commenting anything on the merits, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

(8) It is further made clear that the petitioner shall not seek unnecessary adjournments for the purpose of cross-examination of the prosecution witnesses so as to delay the trial.

30.05.2023
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No