

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-27711-2023 (O&M)
Date of decision: 01.08.2023

SACHIN SANDHU ALIAS MITTA

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Akshay Jindal, Advocate for the petitioner.

Mr. Rupinder Singh Jhand, Addl. AG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this second petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 458 dated 12.09.2019 registered under Sections 148, 149, 302, 323, 506, 201 of IPC, 1860 and under Sections 25, 54, 59 of Arms Act, 1959 at Police Station Indri, District Karnal. The earlier bail petition was dismissed as withdrawn on 13.09.2021.

Status report by way of affidavit dated 19.07.2023 of the Deputy Superintendent of Police, Indri, District Karnal, submitted by the learned State counsel in the Court, is taken on record.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the petitioner has been in custody since 18.09.2019 and one of the eye witness Ashwani while stepping into the witness box as PW-1 was declared hostile; that the only allegation

against the petitioner is that he has done recce of Shubham (since deceased) and he was standing on the road side on a motor-cycle; that the recovery of motor-cycle has been effected from the petitioner; that there is no other pending or decided case against the petitioner and that out of 30 prosecution witnesses, only 01 has been examined so far. He further submits that application under Section 319 Cr.P.C is also pending.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner has actively participated in the alleged crime and he along with other co-accused, has committed the murder of Shubham. However, he does not dispute the custody period of the petitioner and that the sole, examined eye-witness, Ashwani while stepping into the witness box as PW-1 has been declared hostile. The material witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 18.09.2019. The only allegation against the petitioner is that he has done recce of the deceased and was standing on the road side on the motor-cycle. The application under Section 319 Cr. P.C. is pending and the trial is not proceeding. Remaining 29 prosecution witnesses are yet to be examined. Eye-witness Ashwani while stepping into the witness box as PW-1 has been declared hostile. There is no other pending or decided case against the petitioner. Therefore, the conclusion of the trial would take a long time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

01.08.2023
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No