

204 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-27807-2023

Decided on:-13.07.2023

Ankit @ Pawwa

....Petitioner..

vs.

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Robin Lohan, Advocate for the petitioner.

Mr. Shivendra Swaroop, DAG, Haryana.

HARKESH MANUJA J.

1. By way of second petition filed under Section 439 of the Code of Criminal Procedure, prayer has been made for grant of regular bail pending trial in case FIR No.70 dated 05.03.2019, under Sections 302, 201, 34 IPC, registered at Police Station Narnaund, District Hisar.

2. In the present case, petitioner was implicated on the basis of his own disclosure statement made in another FIR No.187 dated 22.04.2019, under Section 25 of the Arms Act, registered at Police Station Civil Lines, Gurugram regarding the commission of murder of Avtar @ Nati.

3. Learned counsel for the petitioner submits that the petitioner is in custody for the last 4 years, 1 month and 21 days now, the investigation in the present case already stand concluded with the filing of *challan*, followed by framing of charges and out of 35 witnesses cited by the prosecution, 25 witnesses have been examined, as such, trial is likely to take some time and prays for grant of concession of regular bail. He further submits that the co-accused of the petitioner has already been granted the concession of regular

bail by this Court vide order dated 05.08.2022 passed in CRM-M-24877-

2022.

4. On the other hand learned State counsel opposes the prayer made on behalf of the petitioner while submitting that he is involved in five other cases.

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. Admittedly, the petitioner is behind the bars for the last more than 4 year and 1 month and 21 days now and trial is in progress, which may take some time as out of 35 witnesses cited by the prosecution, 25 witnesses have been examined so far and 10 are yet to be examined. Moreover, co-accused, namely, Surender @ Sonu has already been granted the concession of regular bail by this Court vide order dated 05.08.2022 passed in CRM-M-24877-2022 (Annexure P-5). As regards the antecedents of the petitioner are concerned, it may be pointed out here that out of 5 other cases registered against him, he already stands acquitted in four cases, whereas, trial in fifth one is going on. Thus, considering the period of custody besides the fact that co-accused is already on bail, I do not find any reason to extend the incarceration of the petitioner any further.

7. Without commenting anything on 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.

13.07.2023
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/ No