

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

CRM-M-36520-2023

Date of Decision: 02.08.2023

Bharat

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Rishav Jain, Advocate with
 Mr. Varun Jain, Advocate, for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)

The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.418 dated 20.11.2019 registered under Sections 302, 120-B, 34, 212 of IPC and Section 25 of Arms Act at Police Station Faridabad NIT, District Faridabad.

Learned counsel for the petitioner contends that the petitioner was arrested in the present case on 09.01.2020 and is in custody for the last about 03 years and 07 months. Learned counsel further contends that the FIR in the present case was registered against unknown persons. As per the allegations levelled in the FIR, a pillion rider, whose face was covered, fired shots at Subhash and as a result of which, Subhash is stated to have died. Subsequently, on the basis of the disclosure statement made by co-accused Amit, the petitioner was nominated as an accused in the present case. Learned counsel further contends that only 04 witnesses, out of total 45 witnesses, have been examined by the prosecution so far and the next date of hearing before the learned trial

Court is fixed on 11.10.2023. Thus, it is apparent that the conclusion of the trial may take considerable time. He further contends that in the present case, PW-2 Mange Ram, PW-3 Rajinder Kalia and PW-4 Roop Chand have not supported the case of the prosecution and have turned hostile. He further contends that since all the material witnesses have already been examined, his further custody will serve no meaningful purpose.

On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that there are serious allegations against the present petitioner.

I have heard the learned counsel for the parties and perused the record.

It is not in dispute that the petitioner is in custody for the last 03 years and 07 months. Even he was nominated as an accused on the basis of the disclosure statement made by co-accused Amit and the evidentiary value of the said disclosure statement is yet to be adjudicated upon by the learned trial court. Apart from that, all the material witnesses have not supported the case of the prosecution and his further incarceration would not serve any purpose.

Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

02.08.2023

hemlata

(N.S.SHEKHAWAT)**JUDGE**

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