



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

213

I. CRM-M-4961-2023

SunilPetitioner

Vs.

State of HaryanaRespondent

II. CRM-M-31686-2023

Pawan @ PonaPetitioner

Vs.

State of HaryanaRespondent

Date of Decision.:13.05.2024

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Vikas Gulia, Advocate for the
petitioner in CRM-M-4961-2023.

Mr. Rakesh Lathwal, Advocate for the
petitioner in CRM-M-31686-2023.

Mr. Sumit Jain, Addl. AG, Haryana.

DEEPAK GUPTA, J. (ORAL)

This order shall dispose of two petitions titled above, both filed under Section 439 Cr.P.C., as petitioners pray for their release on regular bail in a case arising out of FIR No.442 dated 08.11.2018 registered at Police Station Murthal, District Sonapat under Sections 307, 332, 353, 399, 402, 420, 467, 468, 471 (Section 412 added later on) of IPC, 1860 & Section 25, 27 of Arms Act, 1959.

2. In compliance of order dated 22.03.2024 passed by this Court in

CRM-M-4961-2023

2024:PHHC:000588



CRM-M-31686-2023

2024:PHHC:000581



CRM-M-4961-2023, learned State counsel has placed on record the custody certificate of co-accused Krishan @ Gatha, who had been allowed bail by a co-ordinate Bench of this Court vide order dated 09.05.2023 passed in CRM-M-52691-2022.

3. It is contended by learned counsel for both the petitioners that both the petitioners are in custody for the last more than 05 years; that their criminal antecedents are quite better comparing to co-accused Krishan @ Gatha, who was earlier allowed bail by this Court and that trial is proceeding at snail's pace as only 08 witnesses out of 27 witnesses cited by the prosecution have been examined so far.

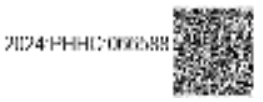
4. As per the allegations, the two petitioners along with co-accused were planning to commit robbery. They were challenged by the police party and the miscreants started firing. One of the police official namely Ct. Amit sustained injury. The two petitioners along with more co-accused were apprehended from the spot.

5. Co-accused Krishan @ Gatha, who was apprehended later on was allowed bail by a co-ordinate Bench of this Court vide order dated 09.05.2023 passed in CRM-M-52691-2022.

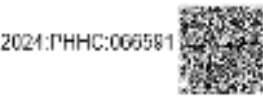
6. The custody certificate pertaining to said Krishan @ Gatha, as produced on file would reveal that he was under-trial in as many as 08 cases and also a convict in as many as 07 cases.

7. On the other hand, as pointed out by learned counsel for the petitioner, petitioner Pawan @ Pona is in custody for the last 05 years 05 months and 26 days. He is under-trial in 09 cases and is convict in 03 cases.

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8. As per the previous custody certificate, custody period of petitioner Sunil upto 20.04.2024 is 05 years 05 months and 04 days. He is under-trial in as many as 04 cases, though not a convict in any case.

9. Based upon the aforesaid facts, learned State counsel could not refute the contentions of the petitioners to the effect that case of the two petitioners Sunil and Pawan @ Pona is on the same footing as that of Krishan @ Gatha, who had been earlier allowed bail. It is also informed by learned State counsel that out of 27 witnesses cited by the prosecution only 08 witnesses have been examined so far. Thus trial is likely to take long time to conclude.

10. Having regard to the above facts and circumstances, particularly the long incarceration of the two petitioners in custody, and also on the basis of parity, but without commenting anything further on the merits of the case, both the petitions are allowed and petitioners are admitted to bail on their furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

A photocopy of this order be placed on the connected case file.

(DEEPAK GUPTA)
JUDGE

May 13, 2024

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No