

Law Today Live Doc. Id. 15597

PUNJAB AND HARYANA HIGH COURT

Before: Hari Pal Verma, J.

Criminal Misc. No.M-35024 of 2020

Decided on: 06.11.2020

Kamal Kumar

Petitioner

Versus

State of Haryana

Respondent

Present:

Mr. Kulwant Singh Dhanora, Advocate for the petitioners.

Ms. Gaganpreet Kaur, AAG, Haryana.

Code of Criminal Procedure, 1973 (2 of 1974), Section 439 -- Indian Penal Code, 1860 (45 of 1860), Sections 148, 149, 323, 325, 302, 307, 447, 506, 511, 120-B -- Arms Act, 1959 (54 of 1959), Section 25 -- Murder case -- Second petition for regular bail -- Considering allegation against the petitioner is of pelting of stone and the petitioner is in custody for a period of more than 2 years and 4 month, coupled with the fact that out of the total 83 witnesses cited by the prosecution, only 23 witnesses have been examined so far and trial in the case will take sufficient long time, Court deemed it appropriate to release the petitioner on regular bail -- Petition allowed.

(Para 7, 8)

HARI PAL VERMA, J. (ORAL) –

1. The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

2. This is second petition by the petitioner under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in FIR No.199 dated 16.04.2018 under Sections 148, 149, 323, 325, 302, 307, 447, 506, 511, 120-B IPC and Section 25 of the Arms Act, 1959 registered at Police Station Shahabad, District Kurukshetra.

3. The earlier petition i.e. CRM-M-25283-2019 was dismissed as withdrawn vide order dated 23.09.2020, with liberty to the petitioner to file an application for grant of regular bail before the trial Court. Since the petition filed by the petitioner for grant of regular bail has been declined by learned Additional Sessions Judge, vide order dated 05.10.2020, the petitioner has filed second petition for grant of regular bail.

4. Learned counsel for the petitioner has argued that the petitioner is in custody since 23.06.2018 i.e. for a period of more than 2 years and 4 month. He has relied upon orders Annexures P-2 to P-6 passed by this Court in the cases of other co-accused of the petitioner, wherein they have been admitted on bail. At the most, the allegation against the petitioner as well as other co-accused is of pelting of stones.

5. Learned State counsel does not dispute the custody of the petitioner as well as the fact the other co-accused of the petitioner have been granted bail

by this Court.

6. I have heard learned counsel for the parties.

7. Considering the fact that the allegation against the petitioner is of pelting of stone and the petitioner is in custody since 23.06.2018 i.e. for a period of more than 2 years and 4 month, coupled with the fact that out of the total 83 witnesses cited by the prosecution, only 23 witnesses have been examined so far and trial in the case will take sufficient long time, this Court deems it appropriate to release the petitioner on regular bail.

8. Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

Petition allowed.
