

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-No. 14775 of 2015

Date of decision: 12.05.2015

Joginder @ Khunda

-----Petitioner (s)

V/s

State of Haryana

-----Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Anmol Partap Singh Mann, Advocate for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA, J.(Oral)

Prayer in the instant petition, filed under Section 439 Cr.P.C., is for grant of bail to the petitioner, during the pendency of trial of the case in FIR No. 563, dated 19.12.2014, for offence under Sections 302, 304 and 201, registered at Police Station, Kharkhoda, District-Sonipat.

Learned counsel for the petitioner submits that the petitioner has falsely been involved in the case. He referred to the statement made by PW-1, namely, Surender Kumar son of Hoshiar Singh, who is the complainant/author of the FIR and has been declared hostile. Similarly, the other witness, namely, Vikas, son of Rajan, PW-2 (cousin brother of the deceased), also resiled and has been declared hostile. Even, PW-3, namely, Rinku son of Dilbagh (son of the deceased) has also not supported the prosecution version. In this manner, he further contends that there is no evidence against the petitioner to connect him with the crime.

On the other hand, learned State counsel, on instructions from ASI Ashok Kumar, states that though the

witnesses referred to this petition, have been examined and declared hostile but still some other witnesses as well as the Investigating Officer are still required to be examined

Considering the fact that no witness has deposed against the petitioner and no incriminating material on record has come on record against the petitioner to connect him with the crime, the present petition is allowed. The petitioner is admitted to bail subject to furnishing his bail bonds/surety bonds to the satisfaction of Chief Judicial Magistrate, Sonipat.

However, expression made here-in-above shall not be construed any expression on the merit of the case and the trial Court shall be at liberty to decide the case on the basis of available evidence.

May 12, 2015
Anjal

(HARI PAL VERMA)
JUDGE