

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

(214)

CRM-M-27251-2015

Decided on: November 16, 2015.

Jitender @ Jeetu

.... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Kartar Singh, Advocate, for the petitioner.

Mr. D.R. Singla, DAG, Haryana.

M.M.S. BEDI, J (ORAL)

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case on the basis of telephone calls having allegedly been received by the deceased on his phone. It is not established that the petitioner was the owner of the relevant telephone number. It has been argued that even if the allegations are true, no offence is made out, so far as culpability of the petitioner is concerned.

Learned State counsel has informed that out of 17 prosecution witnesses, 16 witnesses stand examined.

Taking into consideration the penultimate stage of the trial, it will not be appropriate for this Court to enter into the niceties of the trial to appreciate the evidence to prima facie determine the culpability of the petitioner.

In view of the stage of the case and the alleged strong defence plea of the petitioner, learned counsel for the petitioner seeks permission to withdraw the petition with liberty to raise all the pleas to seek acquittal.

Disposed of as withdrawn without prejudice to the right of the petitioner to approach this Court again, in case the trial is not concluded within a period of two months after the next date of hearing.

(M.M.S. BEDI)
JUDGE

November 16, 2015
harsha