

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

206

CRM-M-4033 of 2015

Decided on : 14.05.2015

Devender

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR.JUSTICE HARI PAL VERMA

Present : Mr.R.S.Malik, Advocate
for the petitioner.
Mr.Manish Bansal, DAG, Haryana.

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Hari Pal Verma, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner in case FIR No.86, dated 19.9.2013, under Sections 302/34 and 120-B, IPC and with Section 25 of the Arms Act, registered at Police Station GRPS, Panipat, District Panipat.

Learned counsel for the petitioner submits that material witnesses including the complainant have been examined. In support of his contention, learned counsel counsel for the petitioner has placed on record the statements of the prosecution witnesses, namely Mohan @ Monu son of Dhajja Ram (complainant) PW-5, Vijay Lata wife of Ram Pal, PW-6, Rahul son of Jagdish, PW-7, Ravinder @ Kala. On the basis of these statements, learned counsel for the petitioner submits that all the witnesses have turned hostile

and as on date, there is no other material evidence available against the petitioner. Therefore, the petitioner is entitled to concession of bail.

Learned State counsel on instructions from SI-Joginder Singh does not dispute the fact. However, he submits that as per FSL report, .315 bullet has been recovered from the place of occurrence and the weapon used in the crime belongs to the petitioner, Devender.

Without going into the details of the total number of witnesses but considering the fact that the above said witnesses have not supported the prosecution case and have been declared hostile, I am of the opinion that the material which is sought to be produced before this Court may be considered a fresh circumstance for the grant of bail to the petitioner by the trial court taking into consideration any other admissible and relevant circumstance or direct evidence against the petitioner.

This petition is disposed of with liberty to the petitioner to approach the trial court in reference to the changed circumstance brought to the notice of this Court. In case any such application is filed, it will be open to the trial court to consider the case of bail to the petitioner irrespective of the dismissal of the earlier application for bail or the disposal of the present petition.

[Hari Pal Verma]
Judge

14.05.2015
sd