

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
215

CRM-M No.41284 of 2014

Date of Decision:14.01.2015

Chander Shekhar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR.

Present: Mr.Keshav Pratap Singh, Advocate,
for the petitioner.

Mr.Pravindra Singh Chauhan, Additional Advocate
General, Haryana, for the respondent-State.

MEHINDER SINGH SULLAR, J.(oral)

The petitioner has preferred the instant petition for the grant of concession of regular bail, in a case registered against him along with his other co-accused Manoj son of Likhi Ram and others, vide FIR No.185 dated 12.05.2013, on accusation of having committed the offences punishable under Sections 304, 323, 325 and 34 IPC, by the police of Police Station Sadar Palwal.

2. Notice of the petition was issued to the State.

3. After hearing the learned counsel for the parties, going through the record with their valuable assistance and deep consideration of the entire matter, to my mind, the present petition for regular bail deserves to be accepted in this context.

4. Precisely, the prosecution, *inter alia*, claimed that on 11.05.2013, the petitioner and his other co-accused were travelling in

Mahindra Xylo Jeep bearing registration No.HR-38S-4865. They were stated to have teased some girl and tried to run away from the place of occurrence. They were apprehended and surrounded by the villagers at some distance. Thereafter, the driver of the Jeep refused to come out and suddenly rammed the car into a motorcycle, culminating into the death of Ikram son of complainant-Ali Mohammad son of Jumme Khan @ Chhote. What cannot possibly be disputed here is that the complainant, while appearing as PW1 in the court, has not specifically recognized the accused in his statement(Annexure P-2). Sequelly, the other eye-witnesses PW3 Sukhbir, PW4 Jagbir, sons of Soni and PW5 Ravi son of Jagbir, instead of supporting, have totally demolished the prosecution version in its entirety, by virtue of their statements(Annexure P-3)(colly.) In that eventuality, what is the evidentiary value, relevancy, admissibility and acceptability of such statements of hostile witnesses, *inter alia*, would be a moot point to be decided after receipt of evidence of the parties during the course of trial by the trial Court.

5. Be that as it may, the petitioner was arrested in this case on 12.05.2013. Since then he is in judicial custody and no useful purpose would be served to further detain him in jail. There is no history of his previous involvement in any other criminal case. The conclusion of trial will naturally take a long time.

6. Not only that, Manoj, similarly situated co-accused of the petitioner, was granted the concession of regular bail, by virtue of order dated 11.11.2013 in CRM No.M-32692 of 2013 by a Coordinate Bench (Ritu Bahri, J.) of this Court. Therefore, I see no reason not to extend the

same benefit of regular bail to the present petitioner as well under the similar set of circumstances.

7. In the light of aforesaid reasons, taking into consideration the peculiar facts and special circumstances, emanating from the record, as discussed here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side during the course of trial of the main case, the instant petition for regular bail is hereby accepted. The petitioner is ordered to be released on bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court.

Needless to mention that, nothing observed here-in-above, would reflect, on merits in the trial of the main case, in any manner, as the same has been so recorded for a limited purpose of deciding the present petition for regular bail.

January 14, 2015
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(MEHINDER SINGH SULLAR)
JUDGE