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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-42060 of 2015

Date of decision: December 24, 2015

Bijender @ Bale

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Vikas Lochab, Advocate
for the petitioner.

Ms. Mahima, AAG Haryana.

SABINA, J

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 seeking regular bail in FIR No.39 dated 20.02.2013, under Sections 302, 148, 149 of Indian Penal Code, 1860 ('IPC' for short) (Sections 420, 120-B IPC added later on), registered at Police Station Sampla, District Rohtak.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 22.02.2013. All the material witnesses have not supported the prosecution case during trial, before the trial Court.

Learned State counsel who is assisted by Assistant Sub Inspector Rajbir Singh has opposed the petition, but has failed to controvert the factual aspect of the submissions made by learned counsel for the petitioner.

Since in the present case, the material witnesses have not supported the prosecution case, without expressing any opinion on the merits of the case, this petition is allowed. Petitioner be admitted to bail subject to the satisfaction of Chief Judicial Magistrate, Rohtak.

**(SABINA)
JUDGE**

December 24, 2015
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