

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Crl. Misc. No. M-23593 of 2016
Date of Decision:-24.08.2016

Om Parkash

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr.Jitender Dhanda, Advocate for the petitioner.

Mr.Manish Bansal, DAG, Haryana.

HARI PAL VERMA J.(Oral)

Prayer made in the present petition filed under Section 439 Cr.P.C. is for grant of bail to the petitioner in case FIR No.799, dated 28.11.2015, for offence punishable under Section 302 IPC, registered at Police Station City Hansi, Distt. Hisar.

Learned counsel for the petitioner contends that the complainant, namely, Ishwar Singh has been examined as PW-1 and has not supported the prosecution case and, therefore, he has been declared as hostile. He submits that the petitioner is in custody since 29.11.2015.

On the other hand, learned counsel for the State, on instructions from ASI-Suresh Kumar, submits that no doubt PW-1 Ishwar Singh has been declared as hostile and the other witness, namely, Jaipal has already been given up, but the FSL report qua the blood stains on the wooden log(*doga*) recovered from the possession of petitioner suggests the presence of human blood (of the deceased).

Heard.

Without commenting upon the merits of the case, but keeping in view the fact that the complainant has not supported the prosecution case, coupled with the fact that other witness, namely, Jaipal has already been given up by the prosecution, I deem it appropriate to allow the present petition for grant of regular bail.

Accordingly, the present petition is accepted and the petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

It is also made clear that expression made here-in-above shall not be construed as an 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.

The petition is disposed of accordingly.

(HARI PAL VERMA)
JUDGE

August 24, 2016
Anjal

Whether speaking/reasoned? Yes/No

Whether reportable? Yes/No