

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

CRM-M-39326-2016 (O&M)

Date of decision: 10.01.2017

HANS RAJ & ANR

...Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present : Mr. Sanjiv K. Aggarwal, Advocate
for the petitioner (s).

Mr. Saurabh Mohunta, DAG, Haryana
assisted by ASI Rampal.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioners have sought regular bail in case FIR No.46 dated 16.04.2015, registered under Sections 148, 323 and 452 of the Indian Penal Code (for short 'the IPC') read with Section 149 IPC and Sections 302, 307 IPC added lateron, at Police Station Odhan, Distt. Sirsa.

The learned counsel for the petitioners refers to statement of complainant-Subhash Chander, who has been declared hostile, to contend that the complainant has not supported the case of prosecution. Petitioner Nos.1 and 2 are in custody since 24.04.2015 and 13.06.2015, respectively.

On the other hand, the learned State counsel has vehemently

opposed the present petition.

Heard.

Considering the fact that the complainant has turned hostile, vide order dated 12.12.2016, State was directed to produce him before this Court. In pursuance thereof, complainant-Subhash Chander, duly identified by the investigating officer, is present in the Court and states that the petitioners were named in the FIR due to some pressure of family members. Petitioner Nos.1 and 2 are in custody since 24.04.2015 and 13.06.2015, respectively. In these circumstances, no purpose would be served in keeping the petitioners behind the bars, without adverting to the merits of the instant case, this petition is allowed. The petitioners be admitted to bail during the pendency of the trial, on their furnishing bail bonds and surety bonds, to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

10.01.2017

ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No