

CRM-M-42716 of 2016

Date of decision: 24.04.2017

Rohtash @ Rajesh

... Petitioner

vs.

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

* * *

Present : Mr. Sandeep Kotla, Advocate
 for the petitioner.

 Mr. Manish Bansal, DAG, Haryana.

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DEEPAK SIBAL, J.(ORAL)

Through the present petition filed under Section 439 Cr. P. C., the petitioner seeks regular bail in FIR No.322, dated 05.07.2015, registered under Sections 370/370-A/120-B IPC at Police Station Bhuna, District Fatehabad.

Seeking regular bail for the petitioner, learned counsel submits that the petitioner has been in custody since 05.07.2015; the complainant has turned hostile; the material witnesses namely Rajina and Jusna Begam were summoned to appear as prosecution witnesses on 22.09.2015 but till date the prosecution has not been able to produce them and that there is no other criminal case pending against the petitioner.

Learned State counsel does not dispute the above factual position.

Considering the above submissions, I am of the opinion that due to the complainant having been turned hostile; the material witnesses having not been produced by the State in spite of delay of over 1 ½ years and that there is no criminal case against the petitioner, he deserves the

concession of regular bail.

Bail to the satisfaction of the trial Court.

Nothing observed herein above shall be considered to be an expression of opinion by this court on the merits of the case.

In case the petitioner is found to misuse the concession of bail and/or even alleged of having participated in any other crime, the State would be at liberty to move the appropriate Court which includes this Court for cancellation of the concession of the grant of bail.

There is yet another aspect of the matter. Due to the fact that the complainant has turned hostile, I had inquired whether the State has taken any action against him.

Learned State counsel on instructions from SI Mahender Singh informed that an application under Section 340 Cr. P. C has been filed against the complainant before the trial Court and the proceedings in accordance with law would be taken.

In view of the above statement, no further orders need to be passed in this regard.

(Deepak Sibal)
Judge

April 24, 2017
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<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>