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

**Date of decision: March 06, 2017
CRM-M-42859 of 2016**

SandeepPetitioner

Versus

State of HaryanaRespondent

CRM-M-43343 of 2016

Kulwinder SinghPetitioner

Versus

State of HaryanaRespondent

CRM-M-45532 of 2016

GauravPetitioner

Versus

State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. Ashok Kumar Khubbar, Advocate
for the petitioner (in CRM-M-42859 of 2016).

Mr. Aman Pal, Advocate
for the petitioner (in CRM-M-43343 of 2016).

Mr. Keshav Pratap Singh, Advocate
for the petitioner (in CRM-M-45532 of 2016).

Ms. Tanushree Gupta, DAG Haryana.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

By this common order, abovesaid three petitions would be
disposed of as the petitioners are seeking regular bail in FIR No.958
dated 01.12.2015, under Sections 148, 149, 302, 506 of the Indian

Penal Code, 1860, registered at Police Station Civil Lines, Karnal.

Petitioners were arrested and are in jail since then.

After filing of the challan, charges were framed and the accused persons have been put on trial.

Learned counsel for the rival parties have shown me the depositions of Savita PW-1 and Manoj PW2 who are said to be the eye witnesses. I have perused the evidence of these two witnesses and in particular examination-in-chief. In so far as these two eye witnesses are concerned, there is no dispute that all these three petitioners were not named. What is claimed in the deposition is that these petitioners were unknown persons at the relevant time and were identified before the Court as the remaining 5 accused. The manner in which the examination-in-chief has been recorded speaks volume about the way in which the examination-in-chief has been conducted by the prosecutor. It is seen by this Court in few cases that the prosecutor appointed in serious trials of murder, even do not know how to get the examination-in-chief recorded, so also to conduct examination-in-chief. Looking to the examination-in-chief of the witnesses, I think there is no other go except to release the petitioners on regular bail. Learned counsel for the complainant has vehemently opposed the petition for grant of regular bail. However, looking to the nature of the evidence that is examination-in-chief by prosecutor, this Court find that there exists sorry state of affairs in conducting prosecution cases, particularly relation of the persons who were not known when the

incident had taken place. This Court would not make any further comments as it may prejudice the prosecution case further. In the result, I find the following order:-

ORDER

- (i) Petitions are allowed;
- (ii) Petitioners are ordered to be released on bail subject to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned who may impose conditions as it may deem fit and proper. Petitioners shall not tamper with the prosecution evidence, threaten or exercise any influence on the prosecution witnesses.

(A.B. CHAUDHARI)
JUDGE

March 06, 2017

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No