

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

CRM-M-29548 of 2017
Date of Decision: 06.02.2018

Jai Bhagwan

....Petitioner

Versus

State of Haryana

....Respondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. KDS Hooda, Advocate
for the petitioner.

Mr. Vikramjeet Singh, AAG, Haryana.

MAHABIR SINGH SINDHU, J.(Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.209 dated 24.04.2015 registered under Sections 302/120-B/34 of the Indian Penal Code and 25 Arms Act Police Station City Bahadurgarh, District Jhajjar.

It is contented that the petitioner is in custody since 17.11.2015 and no recovery has been effected from him. Even in the FIR there is no specific role attributed to the petitioner except the conspiracy part. It is further contended that there are total 46 prosecution witnesses and out of them only six have been examined and PW1-Vinod and PW2- Raj Rani, who are stated to be the eye witness have not supported the prosecution case.

The above factual position is duly acknowledged by learned State counsel on instructions from ASI Dilbag Singh.

Heard learned counsel for the parties and perused the paper book.

In view of the fact that there are 46 prosecution witnesses and only six witnesses have been examined till date and PW1 & PW2 both eye witnesses are not supporting the prosecution case. The petitioner is in custody since 17.11.2015, hence, no useful purpose would be served by keeping the petitioner behind the bars any more. Therefore, in view of the abovesaid circumstances, without expressing any opinion on the merits of the case, this petition is accepted. Petitioner-Jai Bhagwan be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court.

[MAHABIR SINGH SINDHU]
JUDGE

February 06, 2018
rashmi

Whether speaking/reasoned
Whether reportable?

yes/no
yes/no