

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

**CRM-M No.7301 of 2018
Date of Decision: 16.03.2018**

Vinod

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Nonish Kumar, Advocate for the petitioner.

Mr. Vikas Malik, Deputy Advocate General, Haryana
for the respondent/State.

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.939 dated 11.10.2016, registered under Sections 148, 149, 302, 341 & 120-B of the Indian Penal Code and Sections 25/54/59 of the Arms Act, registered at Police Station Sadar, District Karnal.

It is contended by learned Counsel for the petitioner that the co-accused, namely, Vikas, against whom main allegations are there in the present case, has already been granted the concession of bail by this Court, vide order dated 08.03.2018. It is further contended that the petitioner is in custody since 25.10.2016 and both prosecution witnesses i.e. PW 6 Pawan Kumar, who happens to be the real brother of the deceased as well as eye-witness and PW 7 Sohan Lal, who is also stated to be the eye-witness, have not supported the prosecution case.

The above factual position is not disputed by learned State Counsel, on instructions from S.I. Kulwant Singh.

Heard learned counsel for the parties and perused the case file.

Paper-book reveals that the testimony of PW-6 Pawan Kumar, who is the real brother of the deceased and who happened to be the complainant as well as eye-witness has specifically deposed that the present petitioner-Vinod had never caused any injury to his brother-since deceased. Similarly PW-7 Sohan Lal again stated to be an eye witness, has also deposed that the petitioner did not cause any injury to the deceased-Sawan.

The relevant part of the testimony of PW 6 and PW 7 reads as under:-

“ PW 6 Pawan Kumar:
Accused Vinod and Vikas, present in the court today, never caused any injuries to my brother Sawan and I never made any statement against them to the police. ”

“ PW 7 Sohan Lal:
Stated that I do not know anything about the present case. I never made any statement to the police against accused Vinod and Vikas who are present in the court today and they never inflicted any injuries to Sawan in my presence. ”

In view of the fact that both the material prosecution witnesses have not supported the prosecution case and moreover there are total 17 PWs and out of them, 08 PWs have been examined, as well as the fact that the co-accused, against whom the main allegations are there, has already been granted the concession of bail by this Court and the petitioner is in custody since 25.10.2016. No useful purpose would be served by keeping the petitioner behind the bars and thus, it would be just and appropriate if

the concession of bail is granted to the petitioner. Therefore, this petition is accepted and petitioner-Vinod is ordered to be released on bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court.

March 16, 2018

(MAHABIR SINGH SINDHU)
JUDGE

Gagan

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>