

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

CRM-M-8811 of 2018

Date of Decision: 17.05.2018.

YOGESH @ YOGI

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

SUDIP AHLUWALIA, J. (ORAL)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure by the petitioner, namely Yogesh @ Yogi to seek his release on regular bail in the case F.I.R. No. 0098, dated 01.02.2017 registered under Sections 302, 201, 364, 365 and 34 of the Indian Penal Code at Police Station Hisar Sadar, District Hisar.

2. On a plain reading of the statement of witness Jagbir Singh recorded in the Ld. Trial Court as PW-2, which has been produced for perusal by the Court, it is undeniable that the statement earlier given by him under Section 161 of Cr.P.C was hearsay and that he had no direct knowledge about the occurrence. In his cross examination this witness had stated that he came to know about the matter “ from family members” without mentioning any name.

3. There is no other material available on record to link the petitioner with the alleged occurrence and all the relevant detailed

observations

by this Court have already been noted in the previous order passed on 03.04.2018.

4. In the circumstances, the petitioner who has by now remained in detention for more than 1 year 3 months, considering the nature and quality of available material against him, is ordered to be released on regular bail to the satisfaction of the Ld. Trial Court/Ld. Area Magistrate, concerned.

5. Disposed off.

(SUDIP AHLUWALIA)
JUDGE

May 17, 2018
Jyoti-IV

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No