

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

CRM-M-27237-2019
Date of decision: 24.07.2019

Deepak

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Parveen Sharma, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This 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. 134 dated 26.03.2019, registered under Section 307 IPC and Section 25 of the Arms Act, 1959 at Police Station Rai, District Sonipat.

Learned counsel for the petitioner submits that as per the allegations in the FIR, registered at the instance of complainant Bhagwati Devi, it is stated that petitioner used to quarrel with his grandmother Shanti Devi on the pretext of demanding money and has caused injuries to her with the help of a country made pistol.

Learned counsel for the petitioner further submits that the trial Court has recorded the statement of the grandmother of the petitioner namely Shanti Devi, who appeared as PW-3 and has not supported the prosecution version and was declared hostile and even in her

cross-examination by the by the public prosecutor, she has not supported the prosecution version.

Learned counsel for the petitioner further submits that even the complainant Bhagwati, who appeared as PW-4, has not supported the prosecution version and was declared hostile.

Learned counsel for the petitioner has placed on record the statement of Inderjeet Singh, father of the petitioner, who appeared as PW-7, wherein he was declared hostile as he did not support the prosecution version.

Learned counsel for the petitioner has, thus, argued that all the material witnesses have already been examined and all of them were declared hostile as they did not support the prosecution version, hence, there is no possibility for the petitioner to tamper with the evidence or influence the witnesses.

Learned State counsel, on the basis of the custody certificate filed today in Court, has not disputed the factual position, however, submitted that petitioner is in judicial custody since 06.04.2019.

Learned State counsel, on instructions from ASI Mukesh Kumar, further submitted that all the three material witnesses have turned hostile.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering fact that petitioner is in judicial custody since 06.04.2019 and all the three material witnesses have not supported the case of the prosecution, the instant petition is allowed. The petitioner is ordered to be released on

regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

24.07.2019

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No