

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

**CRM-M No. 35703 of 2019(O&M)  
Date of decision: - 11.12.2019**

RAJINDER

...Petitioner

Versus

STATE OF HARYANA

.....Respondent

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present:- Ms. Sharmila Sharma, Advocate for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

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**HARNARESH SINGH GILL, J. (ORAL)**

Petitioner has filed this third petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 0023 dated 09.01.2018 registered under Sections 302, 323, 337, 148 and 149 IPC and Section 25 of the Arms Act, 1959 (thereafter charge sheeted under Sections 302, 307 and 323 IPC and Section 30 of the Arms Act vide order dated 01.06.2018 passed by learned Additional Sessions Judge, Panipat) at Police Station Samalkha, District Panipat.

Learned counsel for the petitioner states that all the prosecution witnesses have resiled and placed on record the statements

of PW-1 to PW-5, in which even Lal Chand-author of the FIR No. 23 dated 09.01.2018 have stepped into the witness box and stated that some unknown persons caused injuries to Dharmender son of Mahabir and fired gun shots on Jagdish and Mahesh from the gun which they have snatched from Dharmender.

The petitioner is in custody since 09.01.2018, the trial will take time to conclude and no useful purpose would be served by detaining the petitioner behind the bars. The accused, in FIR No. 22 dated 09.01.2018 registered under Sections 120-B, 148, 149, 302, 323, 341, 452 and 506 on the same fact, have already been granted bail regular bail by learned Additional Sessions Judge, Panipat, vide order dated 21.05.2019.

On the instructions from ASI Anoop Singh, learned State brought to the notice of this Court that out of 20 prosecution witnesses, only 16 witnesses have been examined and also not disputed the fact that some prosecution witnesses have resiled from their statement.

I have heard the learned counsel for the parties and is of the view that some prosecution witnesses have resiled from their statements, the petitioner is in custody since 09.01.2018, the trial will take time to conclude and no useful purpose would be served by detaining the petitioner behind the bars. Moreover, the accused, in aforesaid FIR No. 22 dated 09.01.2018 have already been enlarged on regular bail.

At this stage, without commenting anything on the merits of the case, which may not cause prejudice to either of the parties at a later stage, but taking the above facts into consideration, the petition is allowed and the petitioner-Rajinder is ordered to be released on regular bail to the satisfaction of the learned trial Court/Duty Magistrate concerned.

**(HARNARESH SINGH GILL)**  
**JUDGE**

**11.12.2019**

*Mangal Singh*

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|----------------------------|-----|
| Whether reasoned/speaking? | Yes |
| Whether reportable?        | No  |