

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

CRM-M-52276-2019

Date of decision: - 12.12.2019

KAMLESH

...Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Manish Soni, Advocate and
Mr. S. K. Kaushik, Advocate
for the petitioner.

Mr. Vijesh Sharma, DAG, Haryana

Mr. Pawan Kumar Jhanda, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Petitioner has filed this petition under Section 439 of
Cr.P.C. for grant of regular bail in case FIR No. 15 dated 17.01.2019
registered under Section 302, 201, 34 and 120B IPC at Police Station
Sector -5, District Gurugram.

Learned counsel for the petitioner states that the present
FIR was lodged by one Sweety saying that her husband Joginder Singh
was missing. However on 20.01.2019, co-accused persons suffered joint
disclosure statement about the connection of the offence and none of the

accused has taken the name of the petitioner.

Now, at this stage, while sitting into the witness box, the complainant PW- 2 Rajpal alongwith other witness PW-3 Sanjay Rathi have resiled and have not supported the prosecution witness. The petitioner is a lady with two minor children and is in custody since 21.01.2019.

The learned State counsel have not disputed the above mentioned fact that the main prosecution witness is resiled from the statement.

Keeping in view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

12.12.2019

Mehak

Whether reasoned/speaking?	Yes
Whether reportable?	No