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

**CRM-M No.6819 of 2020(O&M)
Date of Decision: 14.08.2020**

**SachinPetitioner
Vs**

State of HaryanaRespondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Rakesh Nehra, Advocate
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video-conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.69 dated 04.04.2016 registered under Sections 302, 506, 120-B, 34 IPC and Section 25 of the Arms Act at Police Station Badhra, District Bhiwani.

FIR was registered at the instance of Sandeep with the allegations that when he was serving water to the cattles, his father was having food inside the house. Suddenly, he heard noise of firearm. He saw that Pardeep along with two other boys were carrying weapons in their hands and were firing on his

father. They were shouting on the mother of the complainant to bring her sons out. The complainant hide himself due to fear. A young boy was also standing along with weapon near the car which was parked in the gully outside the house of the complainant. The assailants went away from the spot. The father of the complainant was found to be dead.

Learned counsel for the petitioner has pointed out to the statement of PW 9 i.e. the complainant who has not supported the case of the prosecution and he was declared hostile. His cross-examination was allowed to be conducted. Similarly, PW 10 Shakti was declared hostile by the prosecution and his cross-examination was also done. PW 11 Kuldeep has also been declared hostile by the prosecution in similar manner. Learned counsel further submitted that all the eye-witnesses have been examined by the prosecution and none of them has supported the case of the prosecution. The FSL report also does not support the prosecution case as gun shot were not found to be fired from the country-made pistol recovered from the accused in FIR No.108 of 2016. Co-accused namely Gulshan, Vikas, Kapil and Amit have already been granted regular bail by the different Courts.

Learned State counsel on instructions submitted that even though the eye-witnesses have been declared hostile, but

they have been cross-examined and their testimonies will be tested by the Court in due course of trial. Petitioner has been charge-sheeted for the offences under Sections 120-B, 302, 506, 34 IPC and Section 25 of the Arms Act. Out of total 34 prosecution witnesses, 19 witnesses have been examined. Learned State counsel also pointed out that the petitioner is involved in a murder case in Delhi.

Having heard learned counsel for the parties, I find that the petitioner is in custody since 11.09.2017. Due to situation arising out of pandemic Covid-19, there is no likelihood of the trial being concluded in near future. On the basis of eye-witnesses becoming hostile, four of the accused have been granted bail.

In view of aforesaid position, it would be just and appropriate to enlarge the petitioner on regular bail subject to his furnishing heavy bail bonds and surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

14.08.2020

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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No