

CRM-M-11406-2020

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

CRM-M-11406-2020

Date of Decision: 3rd June, 2020

Naseeb

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present Mr. Ravinder Hooda, Advocate
for the petitioner.

Mr. Apoorv Garg, DAG, Haryana.

AUGUSTINE GEORGE MASI, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.123, dated 28.03.2017, registered at Police Station Civil Lines Rohtak, District Rohtak, under Sections 302 and 307 of the Indian Penal Code along with Section 25 of Arms Act.

It is the contention of the learned counsel for the petitioner that witnesses examined by the prosecution including the complainant – Ramesh (PW-3) have not supported the prosecution version. Reference in this regard has been made by the counsel for the petitioner to the statements of the witnesses which have been appended along with the petition as Annexures P-1 to P-3. He contends that when the material witnesses have not supported the prosecution case, the petitioner who is in custody since 25.05.2017 may be granted the concession of regular bail especially in the

light of the fact that the trial is not likely to conclude in near future in view of the Covid-19 pandemic.

Counsel for the State could not dispute the factual assertion with regard to the statements of the witnesses turning hostile which have been placed on record. He, however, submits that the petitioner is involved in some other cases also, to which counsel for the petitioner states that he has been granted bail by the concerned Courts.

I have considered the submissions made by the learned counsel for the parties and keeping in view the facts and circumstances of the case as narrated above, especially with regard to the statements of the witnesses as recorded before the trial Court, who have not supported the prosecution version, with the trial not likely to conclude in near future and the petitioner being in custody since 25.05.2017 i.e. almost three years, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Rohtak.

Any observation made herein-above shall have no bearing on the merits of the case during the trial in any manner.

3rd June, 2020

Harish

(AUGUSTINE GEORGE MASIH)

JUDGE

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