

105.

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

**CRM-M-19526-2020**

Date of decision: 27.07.2020

ARJUN

... Petitioner

versus

STATE OF HARYANA

.... Respondent

**CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA**

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Present: Mr. K.L. Saini, Advocate, for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

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**HARI PAL VERMA, J. (Oral)**

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

This is 3<sup>rd</sup> petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.320, dated 10.08.2016 registered under Sections 147, 148, 149, 302, 120-B of IPC and Section 25 of Arms Act at Police Station Sadar Dadri, District Bhiwani.

Learned counsel for the petitioner submits that apart from the fact that the other co-accused Ajay @ Sehwaq and Parveen @ Mandhu, have been admitted on bail by this Court, the complainant Girjapati has been examined in the case as PW-8, who has not supported the case of the prosecution and is declared hostile. He further submits that as against 36 witnesses cited by the prosecution, only 6 witnesses have been examined. Moreover, petitioner is in custody since 23.08.2016. Though the earlier petitions i.e. **CRM-M-19268-2017** and **CRM-M-23439-2018** filed by the petitioner for the grant of similar relief have been dismissed, but now in the changed scenario when the complainant has not supported his case and

the petitioner is in custody since 23.08.2016, the trial in the case is not likely to be concluded in the near future, petitioner deserves to be admitted on bail.

Learned State counsel does not dispute the custody. However, she submits that in the *de novo* trial, the complainant has not supported the case, otherwise the complainant has supported the case of the prosecution.

I have heard learned counsel for the parties.

Considering the fact that the other co-accused, namely, Ajay @ Sehwag and Parveen @ Mandhu have been granted bail by this Court and PW8-the complainant has not supported the case coupled with the fact that out of total 36 witnesses cited by the prosecution, only 6 witnesses have been examined and 30 witnesses are still to be examined and in this manner, trial will take sufficient long time, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

**(HARI PAL VERMA)**  
**JUDGE**

27.07.2020  
sanjeev

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