

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

CRM-M-11054-2021 (O&M)

Date of decision: 02.11.2021

Sukhbir @ Poonia and others

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Narender Kaajla, Advocate for the petitioners.

Mr. Ashok Singh Chaudhary, Addl. A.G., Haryana.

HARNARESH SINGH GILL, J. (ORAL)

CRM-34844-2021

Prayer in the present application under Section 482 Cr.P.C. is for preponement of the date of hearing of the main case, which is fixed for 08.11.2021.

Notice of the application.

On the asking of this Court, learned State counsel accepts notice on behalf of the respondent-State and submits that he has no objection, if the aforesaid prayer is allowed.

In view of the above, the application is allowed and the date of hearing of the main case is postponed from 08.11.2021 to that of today and the same is taken on the Board for hearing.

CRM-34845-2021

Prayer in the present application for placing on record the statement of the complainant.

Notice of the application.

On the asking of this Court, learned State counsel accepts notice on behalf of the respondent-State and submits that he has no objection, if the aforesaid prayer is allowed.

In view of the above, the application is allowed.

Main case:

Vide order dated 19.05.2021 passed by a Coordinate Bench, the petition qua petitioner No. 2-Sukhwinder @ Deepak already, was dismissed as withdrawn.

The petitioners have filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 85 dated 11.02.2021, registered under Section 392 IPC and Section 25 of the Arms Act, 1959, at Police Station Sadar Hisar, District Hisar.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the present case. The petitioners were not named in the FIR, but were indicted on the basis of the supplementary statement of the complainant. The petitioners have been in custody since 12.02.2021.

He further submits that the complainant, while stepping into the witness box on 14.09.2021 was declared hostile. So far as the other cases

against petitioner No.1 are concerned, the petitioner is on bail in the said cases. There is no other case against petitioner No. 3.

Learned State counsel, while vehemently opposing the prayer for bail submits that recovery of Rs. 1500/- and a plastic toy pistol has already been effected from petitioner No.1, whereas recovery of Rs. 1200/- and a motor cycle has been effected from petitioner No. 3-Vikas. However, he does not dispute the custody period of the petitioners and submits that some of the prosecution witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The petitioners have been in custody since 12.02.2021. The complainant has been declared hostile. There is no other case against petitioner No. 3. Petitioner No. 1 is on bail in other case against him. Some of the prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take a long time. Hence, no useful purpose would be served by keeping the petitioners behind the bars.

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 No. 1 and 3 are ordered to be released on regular bail on their furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

02.11.2021

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No