

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

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**CRM-M No.14661 of 2021
Date of decision :03.09.2021**

Yashbir @ Jasbir

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Keshav Pratap Singh, Advocate for the petitioner.
Mr. Pardeep Prakash Chahar, DAG, Haryana.

HARNARESH SINGH GILL, J.

Case is taken up for hearing through video conferencing.

Prayer in this petition is for grant of regular bail in case FIR No 937 dated 25.11.2018 registered under Sections 148, 149, 302, 307 and 411 IPC and Section 25 of Arms Act, 1959 at Police Station Sadar Palwal, District Palwal.

Reply by way of affidavit dated 31.08.2021 of Deputy Superintendent of Police, Palwal, District Palwal, filed on behalf of respondent-State, through e-mail, is taken on record.

Counsel for the petitioner states that the complainant-Pawan who is the cousin brother of the deceased-Sunil have not supported the prosecution witness while stepping into prosecution witness as PW-2 nor he has identified the petitioner. Co-accused Dinesh and Akash were found innocent and have kept in column No. 2. The co-accused of the petitioner namely Jaivir and Yogesh @ Yoginder had already been granted regular bail by the co-ordinate Bench of this Court on 16.11.2020 and 21.12.2020 respectively. Moreover, two other key prosecution witnesses Gobind and

Surinder are yet to be examined and the application under Section 311 Cr.P.C has been moved to summon Surinder as an additional witness. The petitioner has been in custody since 04.05.2019.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel states that the petitioner has been specifically named in the FIR and the application under Section 311 Cr.P.C has been moved to examine Surinder as an additional witness but has not disputed that the complainant who is the cousin brother of the deceased- Sunil have not supported the prosecution witness.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 04.05.2019. Since the complainant have not supported the prosecution witness, two co-accused have already been granted bail. Dinesh who has been attributed the same role, has been declared innocent and kept in column No. 2. No useful purpose would be served by keeping the petitioner behind the bars. Further, keeping in view the prevailing situation of Covid-19 pandemic, the trial is unlikely to conclude any time soon.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

03.09.2021

Rajeev (rvs)

**(HARNARESH SINGH GILL)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No