

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

211

**CRM-M-16559-2021(O&M)**  
Date of Decision : September 16, 2021

BALJEET

.....Petitioner

***VERSUS***

STATE OF HARYANA

.....Respondent

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present : Mr. D.K.Tuteja, Advocate  
for the petitioner.

Mr. Amrik Singh Narwal, DAG, Haryana.

**Through Video Conferencing**

**JASGURPREET SINGH PURI. J. (Oral)**

**CRM-28592-2021**

For the reasons recorded in the application, the same is allowed. Accompanying Annexures P-5 and P-6 are taken on record.

**Main case**

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 86 dated 31.7.2020 under Sections 307, 34 IPC and Section 25(1-A) of the Arms Act, Police Station Machhroli, District Jhajjar.

Learned counsel for the petitioner has submitted that he had earlier filed petition for regular bail before this Court which was withdrawn by him on 22.01.2021 and thereafter he had filed another bail petition which was withdrawn on 17.02.2021 in view of the fact that the withdrawal of earlier bail petition was not disclosed. He has submitted

that although the present bail petition is a third bail petition but now there is a change of circumstance wherein the present third bail petition would be maintainable. He submitted that it is a case where as per the prosecution one of the co-accused, namely, Bunti had come to the house of the complainant and had fired shot which hit the wall but no injury was caused to any body. So far as the role of the petitioner is concerned he was alleged to be standing in the door of the adjacent room. Learned counsel submitted that now two eye-witnesses namely Anju and Manju have been examined on 1.9.2021 and both of them have not supported prosecution version and have turned hostile. He submitted that the petitioner is in custody since 03.08.2020 which is more than one year and no recovery is to be effected from the petitioner and the trial of the case would take long time. He further submitted that the petitioner is not involved in any other case and, therefore, he may be considered for the grant of regular bail.

On the other hand, learned State counsel has submitted that it is correct that two eye-witnesses have been examined on 01.09.2021 and both of them have turned hostile. The custody of the petitioner has not been disputed and it is also not disputed that the petitioner is not involved in any other case. Learned State counsel has also not disputed that no recovery is to be made from the petitioner and the motorcycle has already been confiscated.

I have heard learned counsels for the parties.

The petitioner is in custody since more than one year and two eye-witnesses have already been examined who have not supported

prosecution version and have turned hostile. So far as the present successive bail petition is concerned, the earlier bail petition was withdrawn in the month of February, 2021 and after that two eye-witnesses have now been examined who have turned hostile and, therefore, the present successive bail petition would be maintainable. The petitioner is undisputedly not involved in any other case and it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or may tamper with any evidence or may flee from justice.

Therefore, without commenting upon the merits and circumstances of the present case, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate.

**(JASGURPREET SINGH PURI)**  
**JUDGE**

**September 16, 2021**  
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|----------------------------|---|--------|
| Whether speaking/reasoned. | : | Yes/No |
| Whether Reportable.        | : | Yes/No |