

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

133+230 (03 cases)

**CRM-23724-2021 in/&
(1) CRM-M-21837-2021**

Chand

...Petitioner

Versus

State of Haryana

....Respondent

(2) CRM-M-28875-2020

Mohit @ Boxer

...Petitioner

Versus

State of Haryana

....Respondent

(3) CRM-M-28921-2020

Parveen @ Faleming @ Bholu

...Petitioner

Versus

State of Haryana

....Respondent

Date of Decision : 07.10.2021

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Lalit Kumar, Advocate for the petitioner
in CRM-M-21837-2021.

Mr. Kartar Singh Malik, Advocate for the petitioners
in CRM-M-28875-2020 and CRM-M-28921-2020.

Mr. Karan Garg, AAG, Haryana.

Harsimran Singh Sethi, J. (Oral)

CRM-23724-2021

The present application has been filed for placing on record the testimony of the complainant-Mohit.

Keeping in view the averments made in the application, which are duly supported by an affidavit, the application is allowed.

Testimony of the complainant-Mohit is taken on record.

Main case

By this common order, the above mentioned three petitions filed under Section 439 Cr.P.C for the grant of regular bail to the petitioners are being disposed of as all of them arise out of the same FIR i.e. FIR No. 614 dated 17.11.2019 registered under Sections 148, 149 & 307 of the IPC and Section 25 of the Arms Act, 1959 at Police Station Meham, District Rohtak.

Learned counsel for the petitioners argues that the petitioners were wrongly roped in the present case and they are behind the bars since 14.12.2019. Learned counsel for the petitioners further argues that the testimony of the complainant namely, Mohit has already been recorded, wherein, he has failed to identify the petitioners as accused. Learned counsel for the petitioners submits that keeping in view the said fact, keeping the petitioners behind the bars any further will not serve any purpose.

Learned State counsel submits that though, the complainant has

turned hostile but, he is not the only witness as the allegations alleged against the petitioners can be proved by other material witnesses and, therefore, the innocence being claimed by the petitioners by placing reliance upon the testimony of the complainant Mohit, is totally misplaced. Learned State counsel further submits that there was a recovery of weapon, which cannot be ignored in the facts and circumstances of the present case.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

This Court is not to adjudicate upon the guilt or innocence of the petitioners in the present proceedings and the said findings will be recorded by the trial Court after examining all the evidence which will come on record during trial. Once, it is conceded that the complainant has already been examined and he has not supported the prosecution and has failed to identify the petitioners as assailants, no useful purpose will be served by keeping the petitioners behind the bars, especially, when learned counsel for the petitioners undertakes that the petitioners will not obstruct the trial or influence the witnesses in any manner whose statements are yet to be recorded and the petitioners will maintain good conduct while on bail and in case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

Without commenting upon the merits of the case, it is directed that the petitioners be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall

not be construed to be an expression of any opinion on the merits of the case.

October 7, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No