

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

CRM-M-25381-2021 (O&M)

Date of decision : 28.09.2021

Vikas

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Anil Mehta, Advocate for the petitioner.

Ms. Ambika Sood, Addl. AG Haryana.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This is the third petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.835 dated 20.08.2015 under Sections 302, 148, 149 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 registered at Police Station Hisar Sadar, District Hisar.

The first bail petition being CRM-M-15275-2019 was dismissed as withdrawn on 10.09.2020 and the second bail petition being CRM-M-2204-2021 was also dismissed as withdrawn on 15.01.2021.

Learned counsel for the petitioner would contend that similarly situated co-accused has since been granted bail and further that material witnesses in the present case have not supported the version put-forth by the prosecution.

Learned counsel for the State on instructions from ASI Jai Singh is not in a position to deny the facts that all material witnesses have turned hostile in the present case and also that the similarly situated co-accused has since been granted bail.

Learned counsel for the State has further pointed out that the petitioner has been found involved in five other cases out of which in one case he stands convicted, in three cases he has been acquitted and the fifth case is pending trial against him.

Heard learned counsel for the parties.

In the present case the petitioner has been in custody since 11.08.2017 and all material witnesses have turned hostile and have not supported the case of the Prosecution. Though the petitioner has been found involved in five other cases, in one case he stands convicted, in three cases he has been acquitted and the fifth case is pending trial.

In view of the above and without commenting upon the merits of the case and keeping in view the facts that the similarly situated co-accused has since been granted bail and the trial is likely to take some time to conclude, I deem this to be a fit case for grant of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off.

(ALKA SARIN)
JUDGE

28.09.2021
Yogesh Sharma

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO