

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

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**CRM-M-34314-2021
Decided on : 27.09.2021**

Balkar Singh

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Shekhar Verma, Advocate
for the petitioner(s).

Ms. Tanushree Gupta, DAG, Haryana
assisted by SI Balbir Singh.

MANJARI NEHRU KAUL, J. (Oral)

This is the second petition filed under Section 439 Cr.P.C. for grant of bail to the petitioner in case FIR No. 325, dated 08.10.2020 (Annexure P-1), under Sections 201, 379-A, 397, 34 of IPC and Section 25-54-59 of the Arms Act, registered at Police Station Madhuban, District Karnal, Haryana.

Learned counsel for the petitioner has placed on record the deposition of the complainant (Chander Gupta), who while stepping into the witness-box as PW-4, did not support the case of the prosecution, as a result of which, he was declared hostile. The photocopy of deposition of complainant (PW-4) as well as copy of the bail order dated 22nd September, 2019, are taken on record, subject to all just exceptions. Office to tag the same at appropriate place. Learned counsel further submits that similarly situated co-accused i.e. Deepak @ Jalebi and Parveen were extended the concession of bail by the trial Court on 22nd September, 2021.

Learned counsel for the petitioner has, therefore, prayed that the petitioner be also extended the concession of bail, as it is evident in the

aforementioned facts and circumstances that the petitioner has been falsely implicated in the case in hand.

On the other hand, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from SI Balbir Singh, has not been able to controvert the factum of the complainant not identifying the petitioner during trial, as a result of which, he was declared hostile.

I have heard learned counsel for the parties and perused the material on record.

In the facts and circumstances of the case as enumerated hereinabove, the petition is allowed. The petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

September 27, 2021

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*