
Jasbir Singh @ Mohit v. State of Haryana

Present: Mr. Diwan S. Adlakha, Advocate,
for the petitioner.

Mr. Munish Sharma, AAG, Haryana

Vide this petition, the petitioner seeks the concession of 'regular bail' under the provisions of Section 439 of the Cr.P.C., upon FIR no.161, dated 17.09.2020, having been registered at Police Station Radaur, District Yamuna Nagar, alleging therein the commission of offences punishable under Sections 148, 149, 323, 506, 325, 307 of the IPC, as also Section 3(2) (VA) SC/ST Act.

Though the matter has remained pending since February 2021, with the petitioner not having been admitted to interim bail by this court, it is to be noticed that on 22.09.2021 the following order had been passed by this court:-

“Case heard via video conference.

The affidavit filed by Dr. Vijay Kumar Dahiya, Civil Surgeon, Yamunanagar, dated 23.08.2021, is ordered to be taken on record.

The trial court is directed to ensure that the material witnesses are examined at the outset subject to them of course coming before that court to testify.

If they do not come to testify, the petitioner may be entitled to be admitted to bail on the next date of hearing, he also already having been in custody for about 1 year.

Adjourned to 14.10.2021.”

Thereafter on 14.10.2021 the following order had been passed by this court:-

“Today, learned counsel for the petitioner seeks to place on record vide CRM-34511-2021, an order passed by that court on 30.09.2021, stating to the effect that no PW had appeared before the court to testify and that summons issued to PWs Kuldeep Singh and Mam Chand (Mam Chand being the injured person), had been received back with the report of the second service and that summons issued to the complainant (Krishan Lal), had been received back duly served but with him not having come present.

Since the next date of hearing before the trial court is 25.10.2021, with the said witnesses summoned to appear before that court to testify, adjourned to 01.11.2021, to determine as to whether they appeared on that date also or not.”

Today learned counsel for the petitioner has produced in court a copy of an order passed by the trial court on 25.10.2021, stating to the effect that even on that date no prosecution witness came present, withailable warrants issued to PWs Krishan Lal, Kuldeep and Mam Chand having been received back with the report that they were not found to be present in the house, but with their family members having been informed of the date of hearing.

Consequently, hearing in the matter had been adjourned by that court to 26.11.2021, with the PWs ordered to be produced onailable warrants being issued in the sum of Rs.10,000/- with one surety in the like amount.

Looking at the above and the fact that the petitioner has been in

custody since 26.09.2020, without making any comment on the actual merits of the case, the petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial court.

November 01, 2021
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(AMOL RATTAN SINGH)
JUDGE