

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

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**CRM-M-39341-2020
Decided on : 29.11.2021**

Rajesh Kalam and another

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. S.K. Garg Narwana, Sr. Advocate with
Mr. Vishal Garg Narwana, Advocate and
Mr. Japjeet Singh Johal, Advocate
for the petitioner(s).

Ms. Tanushree Gupta, DAG, Haryana
assisted by ASI Balean Singh.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of bail to the petitioners in case FIR No. 131, dated 29.05.2020 (Annexure P-1), under Sections 304-B, 34 of IPC, registered at Police Station Uchana, District Jind.

Learned Sr. Counsel for the petitioners contends that the petitioners, who are parents-in-law of the deceased, have been falsely implicated in the case in hand, which finds credence from the deposition of the complainant before the trial Court. In support, he has drawn the attention of this Court to the deposition of the complainant as PW-1, annexed as Annexure P-6. Learned Sr. counsel has submitted that the complainant did not support the case of the prosecution, as a result of which, he was declared hostile. A prayer has, therefore, been made to extend the concession of bail to the petitioners, as their further incarceration would serve no useful purpose.

Per contra, learned State counsel while opposing the prayer

made by learned Sr. counsel for the petitioners, on instructions from ASI Bala Singh, has not been able to controvert the factum of the complainant having turned hostile during trial before the trial Court. Learned State counsel has conceded that the complainant is the sole material witness in the case in hand. She has further apprised the Court that 08 prosecution witnesses out of the 17 cited, stand examined so far.

Heard.

In the facts and circumstances of the case as enumerated hereinabove coupled with the fact that 09 more prosecution witnesses are yet to be examined, there is no likelihood of the trial concluding anytime in the near future. I, therefore, deem it fit to grant the concession of bail to the petitioner. The petition as such is allowed. The petitioner be 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

November 29, 2021

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*