

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

CRM-M-43225-2020 (O&M)
Date of decision: 28.10.2021

Rajesh Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Vaibhav Jain, Advocate for the petitioner.

Mr. Surender Singh, AAG Haryana.

Mr. Manpreet Singh Sangha, Advocate for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

CRM-23188-2021

Application is allowed as prayed for. Annexure P-5 is taken on record.

Main case:

The petitioner has filed this third petition under Section 439 of Cr.P.C. for grant of regular bail in case bearing FIR No. 235 dated 29.09.2019 registered under Section 307 IPC, at Police Station Tohana, District Fatehabad.

Learned counsel for the petitioner submits that the petitioner has been in custody since 04.11.2019 and out of 12 prosecution witnesses, none has been examined yet. The petitioner is in a disciplined force. He denied the

allegation that the petitioner has hit the motorcycle being driven by his brother-in-law and that the petitioner's wife was a pillion rider on the same.

He further submits that the complainant while stepping into the witness box as PW-1 has turned hostile and the matter has been compromised between the petitioner and the complainant. This fact has not been disputed by the learned counsel for the complainant.

Learned State counsel vehemently opposes the prayer. However, he does not dispute the custody period of the petitioner and submits that out of total 12 prosecution witnesses, only two witnesses have been examined, so far.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 04.11.2019, the complainant has turned hostile and the case is at the stage of evidence. The trial would take time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

28.10.2021
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No