

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

101+208

**CRM-M-1511-2022 (O&M)
Decided on : 30.03.2022**

Sukhdev

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Ms. Savita Rana, Advocate
for the petitioner(s).

Mr. Rohit Arya, DAG, Haryana.

MANJARI NEHRU KAUL, J. (Oral)

CRM-9300-2022

Annexures P-2 & P-3 i.e. certified copies of the affidavit of the complainant and the injured, filed along with the application are taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

CRM stands disposed of.

CRM-M-1511-2022

This is the fourth petition filed under Section 439 Cr.P.C. for grant of bail to the petitioner in case FIR No. 303, dated 19.09.2019, under Sections 307, 323, 34, 452 and 506 of IPC and Section 25 of the Arms Act, 1959 (Section 325 IPC was added and Section 34 IPC was deleted later on), registered at Police Station Nissing, District Karnal.

Learned counsel for the petitioner submits that subsequent to the withdrawal of the previous petition in June, 2021, all the material witnesses including the stamped witness Amit stand examined, who have not supported the case of the prosecution, as a result of which, they were all

declared hostile. Learned counsel submits that thus it is evident and lends credence to the false implication of the petitioner in the occurrence in question. Learned counsel further submits that the false implication of the petitioner finds further credence from the fact that the FSL report does not corroborate the factum of the injured witness having been fired from the firearm allegedly recovered from the petitioner and the other accused.

Learned counsel further submits that the petitioner has been in custody since 28th September, 2021 and some more prosecution witnesses remain to be examined, thus the trial is unlikely to conclude in the near future. It has also been submitted that since all the material witnesses stand examined, his further incarceration would be of no avail.

Per contra learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not been able to controvert the factum of all the material witnesses including the stamped witness Amit not supporting the case of the prosecution during trial and having been declared hostile. He submits that the next date fixed before the trial Court is 25th April, 2022, when some more prosecution witnesses are likely to be examined. He has also conceded that the petitioner is not involved in any other criminal case. He also concedes that the FSL report does not support the case of the prosecution, as far as the use of the weapon of offence in the crime in question is concerned.

The learned State counsel has also filed compliance report along with the certified copies of the deposition of prosecution witnesses i.e PW-1 to PW-10 in Court today. Same is taken on record, subject to all just exceptions.

I have heard learned counsel for the parties and perused the

relevant material on record including the deposition of the material witnesses, which has been placed on record by the learned State counsel.

In the facts and circumstances, as enumerated hereinabove, coupled with the fact that all the material witnesses stand examined, who admittedly did not support the case of the prosecution during trial, this Court deems it fit to extend the concession of bail to the petitioner during the trial, who has been in custody now for more than two years. The petition is allowed and the petitioner is admitted to bail to the satisfaction of the concerned Trial Court/Duty Magistrate. However, it is made clear that any observation made herein shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

March 30, 2022

J.Ram

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