

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-2227-2022

Date of Decision: 27.5.2022

Virender @ Sonu

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Aditya Sanghi, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

KARAMJIT SINGH, J.

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.307 dated 5.7.2021 registered for the offences punishable under Sections 364-A, 397-A, 379-B, 388, 389, 506, 120-B, 34 IPC at Police Station City Hisar, District Hisar.

Counsel for the petitioner contends that the petitioner has been falsely implicated in this case as is evident from the testimony of complainant-Davinder Sharma who while appearing in the witness box as PW2 clearly stated that the petitioner is not the same person who kidnapped him and demanded ransom from him. Counsel further contends that the petitioner is in custody since 23.9.2021 and it will be a futile exercise to keep the petitioner in custody for any longer period as the star witness of the prosecution has resiled.

Status report received from the trial Court is there, as per

which, 4 PWs have been examined including complainant-Davinder Sharma. Attested copy of statement of Davinder Sharma PW2 has been produced by the counsel for the petitioner which is taken on record.

State counsel on instructions from SI Krishan has not disputed the fact that the complainant, while appearing in the witness box, failed to identify the petitioner and his co-accused. Admittedly, the petitioner is in custody since 23.9.2021 and it will take time for trial Court to conclude the trial.

In view of above, as the material witness has not supported the case of the prosecution, no purpose is going to be served by keeping the petitioner behind the bars for any further period.

Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

May 27, 2022

Paritosh Kumar

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No