

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

214

CRM-M-3158-2022

Decided on : 11.02.2022

Ashok Kumar

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. S.S. Mor, Advocate
for the petitioner(s).

Mr. Karan Sharma, DAG, Haryana
assisted by SI Suresh Kumar.

MANJARI NEHRU KAUL, J. (Oral)

This is the second petition filed under Section 439 Cr.P.C. for grant of bail to the petitioner in case FIR No. 272, dated 12.07.2021, under Section 306 of IPC, registered at Police Station Kalanaur, District Rohtak (annexed as Annexure P-1).

On a query put to the learned counsel for the petitioner as to what was the material change in circumstances subsequent to the withdrawal of the previous petition on 01st November, 2021, learned counsel submits that the complainant had since been examined during trial. In support, he had invited the attention of this Court to the deposition of the complainant (annexed as Annexure P-2). Learned counsel submits that while stepping into the witness-box as PW-3, the complainant had failed to support the case of the prosecution, as a result of which, he was declared hostile.

Learned counsel further submits that since the complainant, who is the sole material witness has been examined, hence, his further incarceration would not serve any useful purpose, more so, as 06

prosecution witnesses remain to be examined.

Per contra, learned State counsel while opposing the prayer made by the learned counsel for the petitioner, on instructions from SI Suresh Kumar, has not been able to dispute the factum of the complainant turning hostile during trial. Learned State counsel has conceded that the complainant is the sole material witness in the case in hand.

I have heard learned counsel for the parties and perused the material on record.

The petitioner has been in custody since 12th July, 2021 and the sole material witness i.e. the complainant, already stands examined. The trial is unlikely to conclude anytime in the near future, as 06 other prosecution witnesses remain to be examined.

In the facts and circumstances of the case as enumerated hereinabove, the petition 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

February 11, 2022

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*