

112.

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

CRM-M-2755-2022 (O&M)

Date of Decision: 01.06.2022

ROHIT

.... Petitioner

Versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Ms. Sharmila Sharma, Advocate, for the petitioner.

Ms. Kirti Singh, DAG, Haryana.

JAISHREE THAKUR.J (Oral)

CM-19882-2022

Application is allowed, as prayed for.

The copy of the statement of the complainant as well as copies of statement of other material witnesses as Annexures P-4 and P-5, are taken on record.

CM-19883-2022

Prayer in this application is for preponement of the main case, which is otherwise listed for hearing on 19.07.2022.

For the reasons mentioned in the application, same is allowed. The hearing of the main case is preponed and the same is taken on board today itself.

CRM-M-2755-2022

This is second petition that has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.0182, dated

03.09.2019, registered under Sections 302, 34 of IPC (Section 120-B IPC added during investigation) at Police Station Sadar Bahadurgarh, District Jhajjar. The earlier petition i.e. CRM-M-3083-2021 was dismissed as withdrawn vide order dated 23.03.2021.

Counsel appearing on behalf of the petitioner would contend that the aforesaid FIR came to be registered against the petitioner and others on the statement given by one Ashok Kumar alleging that on 30.08.2019, he had gone to visit the temple for *sewa*, where adjacent the temple, the petitioner and others were consuming liquor and the deceased *mahant* refrained them to do so. Lateron, he came to know that the said *mahant* had been killed. On the basis of statement given, the petitioner and others were nominated as accused and arrested thereunder. The petitioner is in custody since 09.09.2019. Said Ashok Kumar was summoned throughailable warrants and he has not supported the case of the prosecution. It is argued that since the material witnesses have been examined and complainant has not supported the prosecution version, the custody of the petitioner is no longer required, as the trial may take time to conclude.

On the other hand, learned State counsel would oppose the grant of regular bail to the petitioner referring to seriousness of the allegations. It is stated that the petitioner is the main accused who hit the *mahant* with a wooden baton.

After having heard learned counsel for the parties and keeping in view the fact that the material witnesses have been examined and the complainant has not supported the case of the petitioner, the custody of the

petitioner would no longer be required. The trial in the case will take some time to conclude. Thus, this Court deems it appropriate to release the petitioner on regular bail.

Accordingly, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

However, any observation made herein shall not be construed to be an expression of opinion on merits of the case.

01.06.2022

sanjeev

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No