

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

CRM-M-2684-2022 (O&M)
Date of Decision:-11.05.2022

DHEERAJ

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Jitender Dhanda, Advocate
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

KARAMJIT SINGH, J. (Oral)

CRM-17467-2022

Allowed as prayed for and statements of PWs Annexure P-8 to
Annexure P-13 are taken on record subject to all just exceptions.

CRM-M-2684-2022

The petitioner has approached this Court seeking grant of
regular bail in a case having FIR No.123 dated 28.3.2017 registered under
Sections 148, 149, 302, 307 IPC and Section 25 of Arms Act at Police
Station Civil Lines District Rohtak.

As per the allegation appearing in the FIR which was registered on the statement of Ramesh son of Anand, on 28.3.2017 he along with Sandeep @ Damble, Sunder, Sanjeet, Sunil went to appear in the Court at Rohtak and while coming back, Ramesh son of Sunder met them and they started talking to him. In the meantime, Naresh @ Kala, his brother Raje and 5/7 unidentified persons came there on Eco Sports car and Discover motorcycle and all of them started firing on the complainant and his companions, as a result of which, complainant, Sandeep @ Damble, Sunder, Sanjeet and one another person sustained fire arm injuries and then all the miscreants sped away from there. Sanjeet, who sustained fire arm injury, later on died in PGIMS, Rohtak.

The counsel for the petitioner contends that the aforesaid complainant-Ramesh son of Anand and other eye-witnesses namely PW-2 Manjeet Yadav, Advocate; PW-5 Sandeep @ Damble; PW-6 Sunil son of Om Parkash; PW-7 Deepak son of Dharambir and PW-8 Ramesh son of Sunder Singh failed to support the case of prosecution while appearing before the trial Court. The copies of their statements are available on the record. The fact that aforesaid material witnesses are declared hostile by the trial Court has not been refuted by the State counsel who is having instructions in this regard from SI Sukhbir.

Admittedly it will take time for culmination of the trial. However, taking into consideration of the fact that the material witnesses have resiled from their previous statements while appearing in the witness box, no purpose is going to be served by keeping the petitioner behind bars. Thus, without commenting on the merits of the case, the petition is allowed

and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

11.05.2022
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No