

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-4692-2022
Date of decision:09.02.2022

Vijay

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sandeep Gahalawat, Advocate
for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.388 dated 23.08.2020 under Sections 302, 304-B, 328, 34 IPC (Sections 302 and 328 IPC deleted later on) registered at Police Station Old Subji Mandi, Rohtak.

Learned counsel for the petitioner inter alia contends that the false implication of the petitioner, who happens to be the brother-in-law of the deceased, finds credence from the fact that all the material witnesses including the complainant while stepping into the witness box as PW-2 did not support the case of the prosecution, as a result of which, they were declared hostile. In support of his submission, learned counsel has invited the attention of this Court to the depositions of the witnesses including complainant annexed as Annexures P-2, P-3 and P-4 with the petition. A prayer, therefore, has been made for extending the concession of bail to the petitioner as he has now been in custody since 23.08.2020 and 11 more prosecution witnesses remain to be examined.

Per contra, learned State counsel while opposing the prayer made by counsel opposite has not been able to controvert the submissions made by counsel for the petitioner qua all the material witnesses turning hostile during trial.

Heard learned counsel and perused the paper book.

In the facts and circumstances, as enumerated hereinabove and since the petitioner has been in custody since 23.08.2020 and trial will take considerable time to conclude, the present petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. 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.

09.02.2022
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No