

**(205) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-5054-2022
Date of Decision: 10.02.2022
(Through Video Conferencing)**

Sandeep

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present : Mr. Sunny Kadiyan, Advocate
for the petitioner.
Mr. Praveen Aggarwal, D.A.G. Haryana.

JASJIT SINGH BEDI, J. (Oral)

Through this petition, the petitioner is seeking regular bail in case FIR No.83 dated 29.02.2020 registered under Sections 302 IPC and later on added 120-B IPC at Police Station Kharkhoda, District Sonapat.

Learned counsel for the petitioner states that the petitioner was not named in the FIR. He was arrested on the basis of suspicion alone. Pursuant thereto, recovery of blood stained clothes of the accused and wallet of the deceased were effected from the petitioner. He further states that the witness of recovery namely Mohit son of the deceased-Dharam Raj was examined and has not supported the case of the prosecution having turned hostile. He further states that all the material witnesses have turned hostile. The deposition of all the witnesses are attached herewith as Annexures P-2 to P-13. A perusal of the evidence recorded would show that the material witnesses namely complainant-Dharmender, who is nephew of the deceased, Mohit who is son of the deceased and Amit son of Braham Parkash have turned hostile. He, thus, contends that as on date the possibility of conviction of the petitioner is very unlikely and the question of tampering with the evidence does not arise as all the material witnesses have already been examined.

Per contra, the learned State counsel while admitting that the witnesses have turned hostile contends that the recovery of blood stained clothes of the accused and wallet of the deceased were effected from the petitioner. However, he admits that Mohit, the witness to the said recovery memos has turned hostile. He further argues that some witnesses are yet to be examined.

I have heard learned counsel for the parties.

Admittedly, all the material witnesses have been examined and have turned hostile. The Hon'ble Supreme Court in Dr. Gokarakonda Naga Saibaba v. State of Maharashtra; 2016 (2) R.C.R. (Criminal) 675 granted bail to the accused after all the material witnesses have been examined. The said judgment has been relied upon by this Court in CRM-M-27957-2015; decided on 22.08.2016 titled as Devender Singh @ Devender Chhabra @ Tintu v. State of Punjab. The case of the petitioner is, therefore, on a similar footing.

Resultantly, without meaning to express any opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner-Sandeep be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate, Sonapat.

The observations made herein are only for the purposes of deciding this petition and the trial Court shall decide the case based on the evidence lead before it uninfluenced by any observations made herein.

(JASJIT SINGH BEDI)
JUDGE

10.02.2022

rajeev

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No