

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

218

(Through Video Conferencing)

CRM-M-7401-2022

Date of decision: 25.02.2022

Sunil

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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

Mr. Karan Sharma, DAG, Haryana
for the respondent-State.

MANJARI NEHRU KAUL, J. (ORAL)

This is the first petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.388 dated 23.08.2020 lodged under Sections 302, 304-B, 328 and 34 IPC (Sections 302 and 328 IPC deleted lateron) registered at Police Station Old Subji Mandi Rohtak, District Rohtak.

Learned counsel for the petitioner inter alia contends that the false implication of the petitioner in the FIR in question finds credence from the fact that all the material witnesses including the complainant while stepping into the witness box as PW-2 failed to support the case of the prosecution as a result of which they were declared hostile. Learned counsel in support has invited the attention of this Court to the depositions of the material witnesses annexed as Annexures P-2 to P-4 wherein the said fact stands reflected. Learned counsel submits that the petitioner has been in custody since 23.08.2020 and 11 prosecution witnesses remain to be examined,

hence, his further incarceration would not serve any useful purpose.

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

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

In view of the facts and circumstances as enumerated hereinabove, moreso, since all the material witnesses stand examined and did not support the case of the prosecution during trial and there is no likelihood of the trial concluding in the near future, the instant 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.

25.02.2022

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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