

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

214

**CRM-M-7518-2022
Decided on : 02.03.2022**

Sanjay

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Vijay Sangwan, Advocate
for the petitioner(s).

Ms. Gaganpreet Kaur, AAG, Haryana
assisted by ASI Kulwant Singh.

MANJARI NEHRU KAUL, J. (Oral)

This is the second petition filed under Section 439 Cr.P.C. for grant of concession of bail to the petitioner in case FIR No. 228, dated 02.07.2020, under Sections 302, 316, 328, 498-A, 34 of IPC, registered at Police Station Kanina, District Mahendergarh (Haryana) (annexed as Annexure P-1).

Learned counsel for the petitioner contends that the petitioner has been in custody since 08th July, 2021 and there is no likelihood of the trial concluding in the near future, as only 02 prosecution witnesses out of the 21 cited, stand examined. He further submits that the false implication of the petitioner in the case in hand is evident from the fact that both the material witnesses i.e. the complainant as well as the father of the deceased while stepping into the witness-box failed to support the case of the prosecution, as a result of which, they were declared hostile. In support, learned counsel has drawn the attention of this Court to the deposition of the complainant as well as the father of the complainant (annexed as Annexures P-2 & P-3, respectively), wherein, the factum of both the material witnesses

having turned hostile, stands reflected. Learned counsel further submits that in the aforementioned circumstances further incarceration of the petitioner would not serve any useful purpose.

Per contra, learned State counsel while opposing the submissions made by the counsel opposite, on instructions from ASI Kulwant Singh, has conceded that both the material witnesses while stepping into the witness-box, did not support the case of the prosecution and were declared hostile during trial.

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

In the facts and circumstances, as enumerated hereinabove, particularly when both the material witnesses stand examined and have not supported the case of the prosecution, this Court deems it fit to extend the concession of bail to the petitioner during the trial. The petition is allowed and the petitioner is admitted to bail to the satisfaction of the concerned Trial Court/Duty Magistrate. However, it is made clear that any observation made herein shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

March 02, 2022

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*