

209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12404-2022
Decided on : 30.03.2022

Raj Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Aman Pal, Advocate
for the petitioner.

Mr. Rohit Arya, DAG, Haryana.

Manjari Nehru Kaul, J.(Oral)

This is the second petition filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.145 dated 13.07.2020 under Sections 306, 354-C IPC(Section 120-B and 201 IPC added later on) and 67-A IT Act registered at Police Station Jullana District Jind as the previous petition was dismissed as withdrawn on 10.11.2021.

Learned counsel for the petitioner *inter alia* contends that subsequent to the withdrawal of previous petition on 10.11.2021, the sole material witness i.e. complainant, who is brother of the deceased, has since been examined. Learned counsel has drawn the attention of this Court to the deposition of the complainant (Annexure P-9) wherein it stands revealed that while stepping into the witness box as PW-3, he had failed to support the case of prosecution, as a result of which, he was declared hostile. Learned counsel submits that the false implication of the petitioner thus,

finds credence from the fact that this material witness did not support the case of the prosecution. He further submits that in the FIR in question, the complainant had neither named anyone nor raised any suspicion qua any person much less the petitioner in abetting the suicide of the deceased. Learned counsel still further submits that it was 10 days after the registration of FIR, on the basis of some entries in the diary maintained by the deceased, the petitioner along with others was nominated as an accused in the case in hand. It has still further been contended that since the material witness i.e. complainant stands examined and has not supported the case of prosecution, his further incarceration would serve no useful purpose, more so, as 14 prosecution witnesses remain to be examined.

Per contra, learned State counsel while opposing the prayer of the counsel opposite, on instructions, has conceded that the complainant while stepping into the witness box as PW-1 had failed to support the case of the prosecution, as a result of which, he was declared hostile. He, however, submits that daughter of the petitioner, co-accused Mona, had stated in her disclosure statement that she in connivance with her father circulated some obscene pictures of the deceased as they wanted to shame her because of her previous dalliance with the petitioner's nephew, who too had committed suicide a few years prior to the occurrence in question.

Heard learned counsel for the parties and perused the relevant material on record.

Admittedly, the complainant, who is the sole material witness, stands examined and has not supported the case of prosecution. The petitioner has been in custody since 17.09.2020 and there is no likelihood of

the trial concluding in the near future as 14 prosecution witnesses remain to be examined.

In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner. Accordingly, the present petition is allowed. The petitioner be admitted on bail to the satisfaction to 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.

(MANJARI NEHRU KAUL)
JUDGE

30.03.2022

sonia

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