

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-15544-2022

Date of Decision: 27.9.2022

Rahul

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Rahul Gautam, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

KARAMJIT SINGH, J.

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.366 dated 8.10.2021 registered for the offences punishable under Sections 302, 201, 212, 120-B, 34 IPC and Sections 25, 27(1), 29B, 54, 59 of Arms Act at Police Station Rajendra Park, District Gurugram.

Counsel for the petitioner submits that FIR in this case was registered on the basis of the statement of complainant-Harsh who alleged that at the time of occurrence, co-accused Pankhil alias Lucky, fired at Vineet, as a result of which, Vineet died and at that time, Parkhil alias Lucky was accompanied by the present petitioner, Nitesh and Himani. He further submits that during trial, complainant-Harsh and one another eye witness Puneet while appearing in the witness box had not supported the case of the prosecution and that their statements are already placed on record. He further submits that as both the material witnesses have failed to

support the case of the prosecution, no purpose is going to be served by keeping the petitioner behind the bars for any longer period.

State counsel has furnished the custody certificate, as per which, custody period of the petitioner comes out to be more than 9 months and he is not stated to be involved in any other criminal case. State counsel has not refuted the fact that PWs Harsh and Puneet while appearing in the witness box have resiled from their previous statements and not supported the case of the prosecution.

In view of above, as material witnesses have retracted from their previous statements, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

September 27, 2022
Paritosh Kumar

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