

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-18293-2022 (O&M)

Date of Decision: 26.7.2022

Naresh

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. A.P.S. Deol, Sr. Advocate
Mr. H.S.Deol, Advocate, for the petitioner.
Mr. Bhupender Singh, DAG, Haryana.

KARAMJIT SINGH, J.

CRM-17869-2022

Allowed as prayed for and documents Annexures P-12 to P-13
are taken on record.

Main case

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.260 dated 21.10.2019 registered for the offences punishable under Sections 147, 149, 323, 506 IPC (Sections 148, 325, 302 IPC added later on) at Police Station Bawal, District Rewari.

Counsel for the petitioner submits that the petitioner has been falsely implicated in this case at the instance of the complainant; that while appearing in the witness box, complainant-Dinesh, Shamsheer and Ajay have not supported the case of the prosecution and copies of their statements are annexed as Annexures P-4 to P-6 respectively. He further submits that it being so, the petitioner who is in custody since 26.8.2021, is entitled to be released on bail.

Present petition is opposed by the State counsel who has not disputed the fact that during the trial, the complainant and other PWs who are examined, have not supported the case of the prosecution.

I have considered the submissions made by the counsel for the parties.

FIR in the present case was registered against the petitioner and other accused persons on the basis of statement of Dinesh son of Rohtash Singh in which he named the petitioner and other persons who attacked and committed murder of his father Rohtash Singh in his presence and on hearing the cries, Shamsheer and Ajay also reached the spot and they were also attacked by the accused persons and resultantly, sustained injuries. From the perusal of Annexures P-3 to P-5, it transpires that complainant-Dinesh and aforesaid Shamsheer and Ajay while appearing in the witness box, were declared hostile and they have not supported the case of the prosecution. However, it will take considerable time for final disposal of the case.

Thus, 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

July 26, 2022

Paritosh Kumar

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No