

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

SR. No.222

CRM-M-20410-2022

Date of Decision:14.07.2022

Kalu

...Petitioner

Versus

State of Haryana

..Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Ankur Lal, Advocate,
for the petitioner.

Mr. N.S. Panwar, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.210 dated 17.08.2018 under Sections 302/323/341/379 B read with Section 34 of the Indian Penal Code, registered at Police Station Kasola, District Rewari, Haryana.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody since 01.06.2021, which is more than 01 year. He further submitted that it is a case which is based upon suspicion and on the last seen evidence of the one of the witnesses namely Ram Kishan, who is the complainant, with the allegation that he was along with the deceased Ram Singh on the date of incident. However, during the course of trial, the complainant-Ram Kishan did not support the case of the prosecution and was declared hostile. Apart from the same, father of the deceased has also not supported the prosecution version and has been declared hostile. He has next submitted that entire prosecution case is set

up on the basis of suspicion which came from the earlier statement of the complainant, who has since been declared hostile.

On the other hand, Mr. N.S. Panwar, DAG, Haryana, has submitted that it is correct that the petitioner is in custody for the last more than 01 year and the material witnesses including eye-witness/complainant-Ram Kishan and father of the complainant have not supported the prosecution case and have turned hostile.

I have heard the learned counsel for the parties.

As per the learned counsel for the parties, the petitioner is in custody for the last more than 01 year and material witnesses have turned hostile. Considering the facts and circumstances of the case, this Court is of the view that since the prosecution story is based on suspicion, further custody of the petitioner would not be justified.

Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

14.07.2022
mks

Whether Speaking/Reasoned: YES / NO

Whether Reportable: YES / NO