

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

CRM-M-24384-2022

Date of decision : 27.09.2022

Kuldeep

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

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

Mr. Sumit Jain, Addl. Advocate General, Haryana with
PSI Rakesh Kumar, P.S. Bawal, Rewari.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.183 dated 13th of April, 2020 registered for the offence punishable under Section 302 of the Indian Penal Code (subsequently added Sections 201/202/34 of the IPC), at Police Station Bawal, District Rewari, Haryana.

2. Ld. Counsel for the petitioner submits that the FIR was registered on the statement made by Kabool Devi, who happens to be mother of the deceased wherein she alleged that at the time of death her deceased son named the culprits including the petitioner. During trial Kabool Devi stands examined as PW-3. She has not supported

version of the prosecution and has been declared hostile. Ld. Counsel submits that apart from the testimony of the complainant which was reduced to First Information Report there is nothing on record which yokes the petitioner to the offence. Material witnesses stand examined and they have not supported the case of prosecution. The petitioner is behind bars since 4th of June, 2020. He further relies upon orders passed by Co-ordinate Bench of this Court in **CRM-M No.25788 of 2021** dated 21st of September, 2021 and **CRM-M-No.14612 of 2022** dated 1st of June, 2022 whereby co-accused(s) namely Nitesh Kumar and Pawan have been admitted to regular bail.

3. Ld. State Counsel does not dispute the aforesaid factual assertions based on record.

4. Having heard counsel for the parties, I am of the considered opinion that the Challan stands presented, the material witnesses stand examined and the co-accused have been granted concession of regular bail.

5. Keeping in view cumulative effect of aforesaid facts and circumstances, the present petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

6. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

September 27, 2022
Dpr

(PANKAJ JAIN)
JUDGE

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