

211

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

**CRM-M-25678-2022
Date of decision: 21.11.2022**

PARMOD

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Balkar Singh, Advocate
for the petitioner.

Ms. Upasana Dhawan, AAG, Haryana.

Mr. Vikas Guliya, Advocate
for the complainant.

JAISHREE THAKUR, J. (Oral)

This is the second petition filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No.0048 dated 17.03.2020, under Sections 307, 302 and 34 of the IPC, registered at Police Station Moohana, District Sonipat, Haryana.

Learned counsel for the petitioner herein would contend that the petitioner has been falsely implicated in the present case and is in custody since 17.03.2020. He would submit that after the dismissal of the first bail application of the petitioner, the statement of the complainant has been recorded, who in his cross-examination admitted that the petitioner did not catch hold his son Ankit (since deceased) while he was being stabbed. It is argued that the main allegations of inflicting stab wounds was upon Anil and

Rinku and since the material witness has been examined, who in his cross-examination has not raised any allegation against the petitioner herein, keeping the petitioner behind bars would not be fruitful.

Per contra, learned State counsel on instructions from ASI Anil Kumar as well as learned counsel for the complainant would oppose the grant of bail to the petitioner by contending that the allegations against the petitioner are serious in nature and out of total 16 prosecution witnesses cited, 06 have already been examined, however, do not dispute the factual position.

I have heard learned counsel for the parties and have also perused the case file.

Without commenting on the merits of the case and keeping in view of the fact that the petitioner is in custody since 17.03.2020 and the material prosecution witness has already been examined, who has not raised any allegation against the petitioner, no useful purpose would be served in keeping the petitioner behind bars any longer, the instant petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail and surety bonds to the satisfaction of trial Court/Duty Magistrate concerned.

However, anything observed or said by this Court is only for the purpose of deciding the instant petition and the same shall have no effect on the merits of the case.

21.11.2022
Chetan Thakur

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No