

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

211

**CRM-M-31217-2022
Date of decision: 26.07.2022**

Rinku

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Ravinder Malik, Advocate
for the petitioner.

Mr. Rohit Arya, DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

This is the third petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.119 dated 13.07.2020 lodged under Sections 324 and 506 IPC (Section 307 IPC added lateron) registered at Police Station Kunjpura, District Karnal.

Learned counsel for the petitioner inter alia submits that the false implication of the petitioner in the alleged crime is evident from the fact that two material witnesses i.e. the complainant (father of injured Rohan) and the injured himself i.e. Rohan while stepping into the witness box as PW1 and PW2 did not support the case of the prosecution as a result of which they were declared hostile. While drawing the attention of this Court to their respective depositions, which have been annexed as Annexures P-5 and P-6, learned counsel submits that injured Rohan had categorically deposed during trial that he was attacked by an unknown person whose face was muffled and who was standing in front of his house as a result of which he received

injuries which find reflected in the medico legal report. Learned counsel submits that the petitioner has now been in custody for more than 02 years having been arrested on 16.07.2020 and only 02 out of 18 the prosecution witnesses cited so far have been examined, hence, the trial will take considerable time to conclude. He thus prays that the petitioner's further incarceration in the aforementioned facts and circumstances would serve no useful purpose. He has also submitted that the petitioner has clean antecedents and is not involved in any other criminal case.

Per contra, learned State counsel while opposing the prayer made by the counsel opposite on instructions, has not been able to dispute the submissions made by the counsel opposite with respect to the injured and the complainant i.e. the father of the injured having not supported the case of the prosecution during trial, however, he submits that the mother of the victim was an eye witness to the crime in question and she has not yet been examined. He has further not been able to dispute that the petitioner is not involved in any other criminal case.

I have heard learned counsel for the parties and perused the material placed on record.

The material witness in the case in hand is the injured who as also conceded by the learned State counsel has failed to support the case of the prosecution. Thus, this Court deems it fit to extend the concession of bail to the petitioner as there is no likelihood of the trial concluding in the near future since 16 prosecution witnesses remain to be examined.

Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

26.07.2022

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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