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

CRM-M-32941-2022

Date of Decision: 03.08.2022

Jogender @ Joginder Vashisth

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Rahul Makkar, Advocate,
for the petitioner.

Ms. Shivani Sharma, AAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.147 dated 08.05.2020, under Sections 307, 323 & 506 IPC (Section 25 of the Arms Act added later on), registered at Police Station Urban Estate, District Rohtak.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 08.05.2020 which is more than 2 years and the material witnesses including the complainant have been examined. He further submitted that as per the prosecution story, the complainant, namely, Lilian had filed a complaint that his son, who is the present petitioner had caused injuries to her but when she stepped into the witness box, she did not support the prosecution version and stated that the petitioner has been

falsely implicated in the present case and rather injuries were caused by some unknown persons. He also submitted that thereafter, the complainant, who is the mother of the petitioner was declared hostile. He has prayed that considering the custody of the petitioner, which is more than 2 years, he may be considered for the grant of regular bail.

On the other hand, Ms. Shivani Sharma, learned AAG, Haryana has stated that it is correct that the petitioner is in custody since 08.05.2020, which is more than 2 years and the prime witness, who is the mother of the petitioner and is the complainant did not support the prosecution version and was declared hostile.

I have heard the learned counsel for the parties.

The petitioner is in custody for more than 2 years and the main witness, namely, Lilian, who is the complainant, has not supported the prosecution version while deposing before the Court and rather stated that the petitioner had not caused any injuries to her and was declared hostile. Furthermore, it is not the case of the State that in case the petitioner is released on bail then he may abscond or flee from justice or may influence any witness, therefore, in view of the aforesaid facts and circumstances, this Court deems it fit and proper to grant bail to the petitioner.

Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

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

purpose of decision of present petition.

03.08.2022

(JASGURPREET SINGH PURI)
JUDGE

Bhumika

1. Whether speaking/reasoned:
- Yes
2. Whether reportable:
- Yes/No