

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

CRM-M-36159-2022
Date of Decision:-**23.08.2022**

KRISHAN

... Petitioner

Versus

STATE OF HARYANA

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. A.P.S. Deol, Senior Advocate with
Mr. Himmat Singh Deol, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

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KARAMJIT SINGH, J. (Oral)

The petitioner has approached this Court seeking grant of regular bail in a case having FIR No.260 dated 21.10.2019 registered under Sections 147, 149, 323, 506 IPC (Sections 148, 325 and 302 IPC added later on) at Police Station Bawal, District Rewari.

Counsel for the petitioner contends that the petitioner is in custody since the last more than 2 years and 8 months and all the co-accused have been granted concession of regular bail vide orders Annexures P-12 to P-13 as all the material witnesses while appearing in the witness box, were declared hostile and they have not supported the case of the prosecution.

Notice of motion.

On the asking of the Court, Ms. Harpreet Kaur, AAG, accepts notice on behalf of State of Haryana and on instructions from SI Jatinder Kumar has not refuted the fact about the custody period and that all the material witnesses have resiled while appearing in the witness box and that co-accused Jai Singh and Naresh have already been granted concession of regular bail by this Court on that very ground.

I have considered the submissions made by both the counsel and as per the custody certificate furnished by the State counsel, the custody period comes out to be about 2 years and 10 months. Admittedly, co-accused Jai Singh and Naresh have already been granted concession of regular bail by this Court vide Annexures P-12 and P-13 on the ground that the material witnesses were declared hostile and they have not supported the case of prosecution.

Taking into consideration the aforesaid circumstances and further on the basis of parity, no fruitful purpose is going to be served even if the petitioner is kept in judicial custody for indefinite period. Thus without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

23.08.2022
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No