

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-40093-2021 (O&M)
Date of Decision:- 13.5.2022

Jagbir @ Kala

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Narender Kaajla, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Daya Ram.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.41 dated 2.2.2019, Police Station Barwala, District Hisar under Sections 302, 506, 34 of Indian Penal Code and Sections 25 of Arms Act.
2. The allegations, in nutshell, are to the effect that co-accused Sunil @ Sheelu along with one unknown person had committed the murder of complainant's cousin Monu. It is further the case of prosecution that upon arrest of co-accused Sunil @ Sheelu, he during the course of

interrogation had disclosed that it is the petitioner who was accompanying him.

3. Learned counsel for the petitioner submitted that during the course of proceedings of trial, when the complainant as well as other star witness namely Rajender were examined, none of them has supported the case of prosecution and both of them were declared hostile.
4. The aforestated position is not disputed by learned State counsel, who has informed that the petitioner has been behind bars since the last more than 3 years. It has also been informed that the petitioner had earlier been involved in 2 cases and that while he stands acquitted in one of the said cases, the other one is still pending.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the fact that the petitioner has been behind bars for a substantial period of more than 3 years and the star witness namely Rajender and the complainant have already resiled, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

13.5.2022

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No