

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

121+212

(Through Video Conferencing)

CRM-M-40496-2021 (O&M)

Date of decision: 27.01.2022

Amit

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Keshav Pratap Singh, Advocate
for the petitioner.

Mr. Karan Sharma, DAG, Haryana
for the respondent-State.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-2363-2022

Prayer in this application is for placing on record copies of statement of PW1-Amina Khatoon (complainant) dated 23.12.2021, statement of PW2-Arman dated 23.12.2021 and bail order of co-accused Sugam Gupta dated 10.11.2021 as Annexures P/9, P/10 and P/11 respectively.

In view of the reasons mentioned in the application, the same is allowed and the above-said documents are taken on record as Annexures P/9 to P/11, subject to all just exceptions.

CRM-M-40496-2021

This is the second petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.358 dated 08.03.2020 lodged under Sections 148, 149, 323, 325, 452, 506, 212 and 302 IPC registered at Police Station Jagadhri, District Yamuna

Nagar.

Learned counsel for the petitioner submits that subsequent to the withdrawal of the previous petition under Section 439 Cr.P.C. on 17.06.2021, the complainant and the eye-witness to the alleged occurrence had been examined by the trial Court. He *inter alia* contends that the false implication of the petitioner in the case in hand is evident from the fact that both the material witnesses i.e. the complainant Amina Khatoon as well as Arman, son of the deceased, while stepping into the witness box as PW-1 and PW-2 did not support the case of the prosecution as a result of which they both were declared hostile by the trial Court. Learned counsel submits that as the petitioner has now been in custody since 26.04.2020 and 33 prosecution witnesses remain to be examined, his further incarceration would serve no useful purpose, more so, since two material witnesses i.e. the complainant and the eye-witness already stand examined before the trial Court.

Per contra, learned State counsel on instructions from ASI Jasmer Singh, has not been able to dispute the submissions made by counsel opposite qua both the material witnesses having turned hostile during trial. He submits that some more prosecution witnesses have been summoned for 22.02.2022.

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

In view of the facts and circumstances as enumerated hereinabove coupled with the fact that the trial is unlikely to conclude in the near future, 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.

27.01.2022

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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