

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

207

CRM-M-43262-2022

Date of Decision : **September 23, 2022**

MANDEEP

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Sushil Jain, Advocate
for the petitioner.

Mr. Sumit Jain, AAG, Haryana.

PANKAJ JAIN. J. (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.280 dated 26.11.2021 under Section 302 IPC and lateron added Section 404 of IPC at Police Station HSIIDC, Barhi, District Sonipat.

Counsel for the petitioner contends that the petitioner is in custody since 26.11.2021. He submits that it is a case of circumstantial evidence. The petitioner was nominated only on the basis of last theory propounded by the complainant. Such theory propounded was also based on hearsay. While referring to the FIR, he points out that the complainant has submitted that he was told by his grand-father, namely, Surinder son of Dharam Pal that he saw the deceased travelling on motor cycle of the petitioner. He further submits that said Surinder son of Dharam Pal stands examined as PW14 and has been declared hostile. He has not supported the prosecution version. Counsel for the petitioner further

submits that most of the witnesses have been declared hostile having not supported the prosecution version, it will be a fit case for grant of regular bail. He submits that the challan has already stands presented and the material witnesses have been examined there cannot be any apprehension that the petitioner will tamper with the evidence.

Mr. Jain is not in a position to dispute the aforesaid factual assertions based on the records.

I have heard learned counsel for the parties and have gone through the records of the case.

Without commenting on the merits of the case and keeping in view the custody already suffered by the petitioner and the fact that the material witnesses already stands examined, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate concerned.

Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

September 23, 2022

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(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No