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

**CRM-M No.51586 of 2021(O&M)
Date of Decision: 21.04.2022**

Narender @ Dhillia

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Ms. Puja Chopra, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in his second attempt in case bearing FIR No.809 dated 11.11.2018 registered under Sections 302, 120-B, 34 IPC and Section 25 of the Arms Act at Police Station Sadar Bahadurgarh, District Jhajjar.

The FIR was registered at the instance of Deepak with the allegations that his sister was married to Narinder Kumar. On the fateful day, he along with his sister and brother-in-law had gone to attend the programme of birth ceremony in the

house of Rinku on account of having friendship. Complainant and his brother-in-law Narinder Kumar were having gossips in chabutra of Rinku. At about 3:30 PM, two young boys came there on a bike and came to chabutra and opened fire upon brother-in-law of the complainant, hitting him in the chest and shoulder. Two persons were also accompanying them. One of the persons who was firing shots was Narender i.e. the petitioner and others were not known to the complainant. Complainant along with Rinku brought his brother-in-law to the hospital and the doctor declared him to be dead.

Learned counsel for the petitioner by referring to testimonies of PW-1 to PW-7 submits that the material witnesses have turned hostile. Complainant Deepak has not identified the petitioner, rather the petitioner was not amongst those two persons who came to the house of Rinku. The witness was cross-examined by the State/PP, but nothing incriminatory could be extracted from his cross-examination. Similarly, sister of the complainant has been examined as PW-2 and she has also been declared as hostile. Her cross-examination has also not yielded any incriminating material against the petitioner. Rinku in whose house the occurrence had taken place, has also not supported the case of the prosecution in the same manner.

Per contra, learned State counsel submits that one of the accused is still at large and has been declared as proclaimed offender. Out of total 23 prosecution witnesses, 8 witnesses have been examined. Petitioner is in custody since 16.11.2018.

Keeping in view the stage of the trial, custody of the petitioner and the material witnesses having not supported the case of the prosecution, at this stage, I deem it appropriate to enlarge the petitioner on regular bail without meaning anything on merits of the case.

In view of above, petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

(RAJ MOHAN SINGH)
JUDGE

21.04.2022

Prince

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No