

**220 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-54113-2021 (O&M)
Date of Decision: 24.02.2022

Roshan

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. S.K.Garg Narwana, Senior Advocate with
Mr. Nitin Sachdeva, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana

MANJARI NEHRU KAUL, J.

CRM-2494-2022

Application is allowed as prayed for and Annexures P-12 to P-18 are taken on record subject to all just exceptions.

Main case

This is the second petition filed under Section 439 Cr.P.C., for grant of regular bail to the petitioner in case FIR No.521 dated 05.11.2019 registered under Sections 148, 149, 323, 354, 452 and 506 IPC (Section 302 IPC added later on) at Police Station Safidon District Jind.

Learned Senior counsel for the petitioner inter alia contends that the petitioner, who is in custody since 23.11.2019, has been falsely implicated in the case in hand, which finds credence from the fact that while stepping into the witness box all the material witnesses did not support the case of the prosecution, as a result of which, they were declared hostile. Learned senior counsel in support has drawn the attention of this Court to the deposition of all the material witnesses (Annexures P-12 to P-14) wherein the said fact stands reflected. Learned senior counsel submits that

in the facts and circumstances, more so, since all the material witnesses

have been declared hostile during trial, his further incarceration would not serve any useful purpose.

Per contra, learned State Counsel while opposing the prayer made by learned Senior counsel on instructions from SI Hari Krishan has not been able to controvert the submissions made by learned senior counsel qua all the material witnesses turning hostile during trial. She on further instructions submits that out of 23 only 10 prosecution witnesses remain to be examined.

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

In the facts & circumstances as enumerated hereinabove coupled with the fact that all the material witnesses stand examined, who as observed earlier have not supported the case of prosecution, 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.

24.02.2022
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(MANJARI NEHRU KAUL)
JUDGE

Whether Speaking/reasoned Yes/No
Whether Reportable Yes/No