

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

CRM-M No.2668 of 2023
Date of decision: 24th January, 2023

Sumit @ Tatla

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Pranshul Dhull, Advocate for the petitioner.
Mr. Rahul Mohan, Dy. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner in the instant petition filed under Section 439 Cr.P.C. is seeking concession of regular bail in case bearing FIR No.0079 dated 19.03.2021 under Sections 114, 120-B, 148, 149, 302 IPC (Section 201 IPC added later on) and sections 25, 54, 59 of the Arms Act, 1959 registered at Police Station Sahlawas, District Jhajjar.

Learned senior counsel appearing on behalf of the petitioner inter alia contends that the false implication of the petitioner in the case in hand is evident from the fact that while stepping into the witness box, two material witnesses i.e. PW-1 Ravinder Singh (alleged eye-witness) and PW-2 Ajit (uncle of the deceased) not only made self-contradictory statements but also failed to support the case of the prosecution. In support, learned senior counsel has drawn the attention

of this Court to the testimony of said witnesses annexed as Annexure P-7. He submits that in the circumstances, more so when the material witnesses stand examined, further incarceration of the petitioner, who has now been in custody since 07.07.2021, would serve no useful purpose, as 26 prosecution witnesses still remain to be examined. Learned senior counsel has also submitted that the petitioner has no criminal past and there is no criminal case pending against him.

Per contra, learned State counsel has opposed the prayer and submissions made by the learned senior counsel. On instructions from ASI Kuldeep, he has drawn the attention of this Court to the allegations levelled in the FIR against the petitioner, which has been annexed as Annexure P-1, and has submitted that it was a case of eye-witness account and the petitioner had fired towards the deceased Vikram with his pistol and thereafter, fled from the spot on his motorcycle. Learned State counsel has further argued that no doubt PW-1 Ravinder Singh, the alleged eye-witness, during his cross-examination took a U-turn and deposed that it was a case of accidental firing after the pistol fell down on the ground, however, during his examination in-chief, the said witness had reiterated the allegations levelled against the petitioner. Learned State counsel submits that it was obvious that the witness turned turtle after having been pressurized by the accused party.

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

As conceded by the learned State counsel, both the material witnesses have been examined before the trial Court. A perusal of the testimonies, which have been annexed as Annexure P-7, reveals that complainant came up with an altogether different version during his cross-examination and PW-2 Ajit was declared hostile. As many as 30 prosecution witnesses have been cited by the investigating agency and only 4 stand examined. Hence, the trial shall take considerable time to conclude. The petitioner is not involved in any other criminal case. In the facts and circumstances, as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

January 24, 2023
rps

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