

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-3866 of 2022(O&M)
Date of Decision: 19.05.2023

Rohit @ Tunda

...Petitioner

Versus

State of Haryana

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Sarfraj Anjum Mor, Advocate
For the petitioner.

Mr. Vishal Kashyap, AAG Haryana.

KARAMJIT SINGH, J.

CRM-22336 of 2023

Application is allowed, as prayed for and accompanied
Annexures P-7 to P-12 are taken on record.

CRM-M-3866 of 2022

1. The present petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case having FIR No. 269 dated 24.07.2020, registered under Sections 148, 149, 302 and 323 IPC at Police Station Sadar Gohana, District Sonipat, to which offence under Sections 115 and 120-B IPC were added lateron.

2. The FIR in this case was registered at the instance of complainant Mahender Singh who reported to the police that on 23.07.2020 at about 7/8:00 p.m. his son Ajay left the house along with Ravinder and Sumit. On 24.07.2020 Sunny informed the complainant that his son Ajay is lying injured near Mata Masani Mandir and when complainant reached

there, injured Ajay in his stumbled voice told that Deepak @ Kuku, Vicky, Sourabh, Lala and petitioner Rohit inflicted injuries to him due to some money dispute. However, Ajay died on the way to hospital. During investigation, the petitioner was arrested and one *danda* was recovered at his instance.

3. The counsel for the petitioner, *inter alia*, submits that petitioner has been falsely implicated in the present case and is in custody for the last more than 02 years and 09 months and is having no criminal history. The counsel for the petitioner while referring to Annexure P-7 to Annexure P-12 submits that while appearing in witness box, complainant and other material witnesses have not supported the case of prosecution. The counsel for the petitioner further submits that PW2 Sumit son of Mahender, PW3 Jagbir, PW4 Sumit son of Parkash, PW5 Ravinder and PW6 Sunny turned hostile and that even complainant while appearing in the witness box as PW1 in his cross examination stated that by the time he reached his village, his son Ajay had expired and the deceased did not disclose anything to him. The counsel for the petitioner further submits that the entire case is based on circumstantial evidence and it will take considerable time for the trial to conclude. So, prayer is made that present petition be allowed.

4. The present petition is contested by the State counsel. However, the State counsel has not disputed the fact that that material witnesses while appearing in the witness box have not supported the case of prosecution. The State counsel has also not disputed that petitioner is in custody for the last more than 02 years and 09 months and is having no criminal history.

5. In the given circumstances, as material witnesses namely, PW2 to PW6 have turned hostile while even the complainant in his cross

examination has not supported the case of prosecution, no purpose is going to be served by detaining the petitioner in custody for any longer period.

6. In light of above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

19.05.2023
Jiten

(KARAMJIT SINGH)
JUDGE

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