

Date of decision: 25.05.2023

...PETITIONER

...RESPONDENT

Bench of this Court in terms of order dated 16.01.2023 passed in CRM-M-1273-

CRM-M-3619-2023**-2-**

2023. The complainant, Surinder @ Noori, Nirmala-the mother, Pooja-the sister of the deceased have not supported the prosecution version during the course of trial. The petitioner is in custody for a period of 03 years and 06 months. Though, he is involved in two other cases under Prisons Act but is on bail in those cases. Moreover, out of 37, only 04 witnesses have been examined so far. Furthermore, all the co-accused have been released on bail.

5. Learned State counsel has opposed the bail application on the score that a knife has been recovered in pursuance of disclosure statement of the petitioner and as per the report of FSL, it was found to be stained with human blood which matched with the blood group of the deceased.

6. It is significant to note that Surinder @ Noori who is stated to be an eye-witness of the occurrence has not supported the prosecution version. Besides, the complainant who is the brother of the deceased along with the mother and sister of the deceased have also not uttered any incriminating word against the petitioner during the course of trial. The petitioner has been sought to be nominated on the basis of the disclosure made by Ashish @ kaka, the co-accused and he has been granted regular bail by the Co-ordinate Bench of this Court. The evidentiary value of the recovery of the knife and the report of FSL will be debatable and moot point during the course of trial particularly when the material witnesses have not supported the prosecution version. So far, out of 37, only 04 witnesses have been examined and the petitioner is in custody for a period of 03 years and 06 months. The conclusion of trial is likely to take sometime. No fruitful purpose will be served by detaining the petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

CRM-M-3619-2023

-3-

petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

8. The petition is allowed accordingly.

25.05.2023
renubala

(VIVEK PURI)
JUDGE

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