

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.4513 of 2023
Date of decision: 9th February, 2023

Sahil
... Petitioner
Versus
State of Haryana
... Respondent

CORAM: HON’BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sahil Choudhary, Advocate for the petitioner.
Mr. Chetan Sharma, Assistant 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.358 dated 08.03.2020 under Sections 148, 149, 212, 302, 323, 325, 452, 506 IPC (Sections 212 and 302 added later on) registered at Police Station City Jagadhri, District Yamuna Nagar.

Learned counsel for the petitioner inter alia submits that the false implication of the petitioner in the case in hand is evident from the fact that though he was named in the FIR in question however, no role was attributed to him and still further, both the material witnesses while stepping in to the witness box as PW-1 and PW-2 did not support the case of the prosecution, as a result of which they were declared hostile.

In support, learned counsel has drawn the attention of this Court to the

testimony of PW-1 and PW-2, which have been annexed as (Annexures P-8 and P-9). Learned counsel submits that the petitioner has now been in custody for close to three years, having been arrested on 20.03.2020 and only 5 out of 33 prosecution witnesses cited have been examined so far. Hence, in the circumstances, his further incarceration would serve no useful purpose.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Jasmer Singh has not been able to dispute that no specific role has been attributed to the petitioner in the FIR in question. Learned State counsel has also not controverted that both the material witnesses i.e. the complainant eye-witness as well as the injured eye-witness while stepping in to the witness box as PW-1 and PW-2 did not support the case of the prosecution, as a result of which they were declared hostile. He has however, submitted that there are as many as 9 other criminal cases pending against the petitioner.

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

As apprised by the learned State counsel on instructions, both the material witnesses stand examined before the trial Court and have not supported the case of the prosecution, as a result of which they were declared hostile. The trial is unlikely to conclude in the near future, as 28 prosecution witnesses remain to be examined. In the facts and circumstances, as enumerated hereinabove, this Court therefore,

deems it fit to allow the instant petition. 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

February 9, 2023

rps

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