

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

246

CRR-320-2023

Date of decision: 13.09.2023

Sahil

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Bhim Singh, Advocate for the petitioner.

Mr. Karan Jindal, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking setting aside of the order dated 12.01.2023 passed by Presiding Officer, Children Court-cum-Additional Sessions Judge, Panipat whereby he was declined the benefit of bail in case FIR No.545 dated 21.12.2021 under Sections 148, 149, 323, 324, 302, 506, 120-B of the IPC and Section 25 of the Arms Act, 1959 registered at Police Station Matlauda, District Panipat.

2. Learned counsel for the petitioner inter alia contends that false implication of the petitioner in the crime in question finds due credence from the fact that both the material witnesses i.e. the complainant as well as eye witness Jai Veer while stepping into the witness box did not support the case of the prosecution as a result of which they were declared hostile. In support, learned counsel has placed on record a copy of the deposition of both these material witnesses wherein factum of both of them turning hostile stands reflected. Learned counsel has, thus, prayed that since both the material witnesses have been examined and have not supported the case of the

prosecution, further incarceration of the petitioner, who has been in custody since 20.12.2021 would serve no useful purpose as 28 prosecution witnesses still remain to be examined. Learned counsel has also informed the Court that the petitioner, who was a juvenile at the time of occurrence, has clean antecedents and while being released on bail, he may be put to any stringent condition.

3. Per contra, learned State counsel while opposing the prayer made by the counsel opposite, on instructions, has not disputed that both the material witnesses who were also eye witnesses to the occurrence i.e. the complainant as well as PW Jai Veer had been declared hostile during trial. However, he submits on instructions, that the petitioner had actively participated in the crime in question by holding the deceased from his hands as a result of which he was incapacitated and the other accused had then stabbed him to death.

4. On a pointed query put to the learned State counsel as to whether the petitioner has any criminal antecedents, he on instructions, has replied in the negative.

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

6. The petitioner has been in custody since 20.12.2021 and he is not stated to be involved in any other criminal case. Further incarceration of the petitioner in the facts and circumstances as enumerated hereinabove, would serve no useful purpose as all the material witnesses stand examined and have turned hostile. This Court, therefore, deems it appropriate to extend the benefit of bail to the petitioner.

7. Accordingly, the instant revision petition is allowed and the impugned order dated 12.01.2023 is set aside. The petitioner be admitted to bail subject to the satisfaction of Presiding Officer, Children Court, Panipat/Principal Magistrate, Juvenile Justice Board, Panipat.

8. 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.

9. The State is, however, granted liberty to approach this Court for cancellation of bail in case the petitioner is subsequently found misusing the concession of bail granted to him or being involved in some other criminal case.

13.09.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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