

2023:PHHC:110890

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

104+216

**CRM-M-7786-2023 (O&M)
Date of decision : 24.08.2023**

Yash @ Kuku

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Amardeep Hooda, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

Mr. Gandharv, Advocate
for the complainant.

PANKAJ JAIN, J. (Oral)

CRM-34505-2023

Application for placing on record statements of PW-1 to PW-3 (Annexure P-3), is allowed subject to all just exceptions. Annexure P-3 is taken on record.

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Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.24 dated 10.02.2021, registered for the offences punishable under Sections 302, 201, 34 and 120-B of IPC and Sections 25, 27, 29 and 54 of Arms Act, at Police Station Lakhan Majra, District Rohtak.

2. Counsel for the petitioner would submit that it is a case of no eye witness. The only incriminating evidence is closed and report under Section 173(2) against the petitioner is of having been named by

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main accused Suraj in his extra-judicial confession. Counsel further submits that both alleged eye witnesses have turned hostile and the complainant is not eye witness to the incident. There cannot be any apprehension that the petitioner shall tamper with the evidence as not only the challan stands filed, rather the material witnesses stand examined.

3. State counsel is not in a position to dispute the aforesaid facts.
4. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.
5. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

24.08.2023
Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No