

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

CRM-M No.9405 of 2023
Date of decision: 27th February, 2023

Puran Mal

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Vikas Bishnoi, Advocate for the petitioner.

Mr. Rahul Mohan, Dy. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

The instant petition has been filed under Section 439 Cr.P.C. for concession of bail in case bearing FIR No.41 dated 06.03.2022 under Sections 323, 325, 34, 341 IPC (Section 307 IPC added and Section 34 IPC deleted later on) registered at Police Station Bhattu Kalan, District Fatehabad.

Learned counsel for the petitioner inter alia submits that the false implication of the petitioner in the FIR in question finds credence from the fact that while stepping into the witness box, the injured witness Rajender Singh, who had allegedly been inflicted danda blows by the petitioner including injury on the left eye, which was opined to be dangerous to life, failed to support the case of the prosecution, as a result of which he was declared hostile. Learned counsel further

submits that the petitioner has been in custody for almost one year, having been arrested on 28.03.2022 and only three out of 13 prosecution witnesses, which includes the material witnesses, stand examined hence, his further incarceration would serve no useful purpose. Learned counsel also submits that the petitioner has clean antecedents and is not involved in any other criminal case, much less a case of similar nature.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from PSI Nisha has submitted that the petitioner was armed with a lathi with which he inflicted blows on various parts of the body of the injured complainant including an injury on his forehead above the left eye, which was opined to be dangerous to life. Learned State counsel however, has not been able to controvert that the sole material witness i.e. the injured complainant, while stepping into the witness box failed to support the case of the prosecution, as a result of which he was declared hostile. Learned State counsel has further submitted that the next date fixed before the trial Court is 16.03.2023 when a few more prosecution witnesses are likely to be examined. He has also not disputed that the petitioner is not involved in any other criminal case.

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

In the facts and circumstances as enumerated hereinabove, more so when the sole material witness i.e. the injured complainant has

failed to support the case of the prosecution, this Court deems it fit to allow the instant petition as 10 prosecution witnesses remain to be examined and thus, the trial will take considerable time to conclude. 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 27, 2023
rps

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