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

CRM-M-10187-2023

Date of decision : 10.04.2023

Saranpreet Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Ishita Jain, Advocate and
Mr. Namit Khurana, Advocate for the petitioner.

Mr. Rajneesh Chadwal, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

This is a second petition filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in FIR No.355 dated 21.09.2022 registered under Sections 387, 506, 120-B, 285, 201 of Indian Penal Code, 1860 and Sections 25 and 29(B) of the Arms Act, 1959 at Police Station Bilaspur, District Yamuna Nagar.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 25.09.2022 and there are 27 prosecution witnesses, out of which, only two prosecution witnesses have been examined as yet and they are the complainant and his father and both the said witnesses have turned hostile and have not supported the case of the prosecution. It is further submitted that earlier bail application of the

petitioner was dismissed as withdrawn on 07.12.2022 at that stage and it is thereafter that the complainant and his father who are the star witnesses have turned hostile and have not supported the case of the prosecution. It is contended that the petitioner is not involved in any other case and that the petitioner was not named in the FIR and the only role attributed to the petitioner was that he had allegedly written the threatening letter and regarding the same, FSL report has not been received.

On the other hand, learned State Counsel has opposed the present petition for grant of regular bail to the petitioner and has submitted on instructions from ASI Balbir Singh that even recovery of motorcycle which was used in the commission of the offence has been effected from the present petitioner.

Learned counsel for the petitioner, in rebuttal to the abovesaid argument, has submitted that as per the FIR, there is no reference to the motorcycle and it is not the case of the complainant in the FIR that he saw any person coming on motorcycle much less motorcycle which has been recovered from the present petitioner.

This Court has heard learned counsel for the parties and has perused the paper book.

Keeping in view the abovesaid facts and circumstances, more so the facts that the petitioner is in custody since 25.09.2022 and out of 27 prosecution witnesses, only two prosecution witnesses have been examined as yet and thus, the conclusion of trial is likely to take time and also the fact that two star witnesses i.e. the complainant-Harsh Arora and his father namely Jagdish Kumar have not supported the case of the prosecution and

have turned hostile and also the fact that the petitioner is not involved in any other case and was not named in the FIR, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, subject to him not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

10.04.2023*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**