

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-11537-2023 (O&M)

Date of Decision: 29.5.2023

Ashok alias Shoki

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Mohit Rathee, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.40 dated 9.2.2020 registered for the offences punishable under Sections 302, 307, 120-B, 216, 34 IPC and Section 25 of Arms Act at Police Station Civil Lines, Hisar.

2. The allegations in nutshell are that FIR in this case was registered on the basis of the complaint lodged by Tej Pal wherein he alleged that his brother Suraj Bhan who was playing cards with his friend Kuldeep was shot at by petitioner-Ashok @ Shoki, Yash and an unknown boy who thereafter fled away from there on a motorcycle. Later on, Suraj Bhan died. During investigation, the petitioner was arrested on 8.6.2020.

3. Counsel for the petitioner *inter alia* contends that the petitioner

has been falsely implicated in the present case and is in custody for the last about 3 years and that during trial, all the material witnesses including the complainant have retracted from their previous statements and copies of their depositions are Annexure P-1 (collectively). He further submits that it will take considerable time for the trial to conclude. So, prayer is made that the petitioner be released on regular bail.

4. Present petition is resisted by the State counsel who submits that the petitioner is the main accused who was named in the FIR and he committed murder of Suraj Bhan and also injured Kuldeep. However, the State counsel has not disputed the fact that the petitioner is in custody for the last about 3 years and that the material witnesses including complainant-Tej Pal and injured eye witness Kuldeep and wife of the deceased namely Nisha while appearing in the witness box, have turned hostile.

5. I have considered the submissions made by the counsel for the parties.

6. Admittedly, the petitioner is in custody for the last about 3 years. It appears that during trial, complainant-Tej Pal and other material witnesses including Kuldeep and Nisha wife of the deceased have not supported the case of the prosecution. Further, co-accused Yash who was also named in the FIR is already enlarged on bail by this Court vide order dated 6.2.2023 (Annexure P-2). In the given circumstances, no fruitful purpose is going to be served by keeping the petitioner in custody for any further period.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to

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the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

May 29, 2023
Paritosh Kumar

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