

CRM-25441-2023 in/&
CRM-M-15405-2023

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2023:PHHC:087401

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-25441-2023 in/&
CRM-M-15405-2023
Date of Decision :-13.07.2023

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...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Durga Dutt Sharma, Advocate for the petitioner.

Ms. Gaganpreet Kaur, DAG, Haryana.

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Harsimran Singh Sethi, J. (Oral)

CRM-25441-2023

Learned counsel for the petitioner prays that he be allowed to
withdraw the present application.

Ordered accordingly.

CRM-M-15405-2023

The present petition has been filed under Section 439 Cr.P.C.
for the grant of regular bail to the petitioner in respect of FIR No.739 dated
31.12.2022 registered under Sections 323, 324, 326, 452, 506 and 34 of the
IPC and Sections 25 (1-B) b, 54 and 59 of the Arms Act at Police Station
Civil Lines, District Hisar.

Learned counsel for the petitioner submits that the complainant
as well as other private witnesses have already been examined and they have
not supported the prosecution version so as to identify the petitioner to be an

accused in the present case. Learned counsel for the petitioner further submits that once the complainant has been examined and he has not supported the prosecution version, keeping the petitioner behind the bars during the entire period of trial will not serve any purpose hence, the petitioner may kindly be extended concession of regular bail .

Learned State counsel does not dispute the factum that the complainant and other private witnesses have already been examined and they have not supported the prosecution version but submits that the allegations alleged against the petitioner are serious in nature hence, the prayer of the petitioner for the grant of regular bail may kindly be declined.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Though, the guilt or innocence of the petitioner will depend upon the complete evidence which will come on record during the course of trial but the fact that the complainant and the other private witnesses, who have already been examined, have not supported the prosecution version, said fact cannot be ignored so as to consider the prayer of the petitioner for the grant of regular bail.

Keeping in view the facts and circumstances of the present case especially, when learned counsel for the petitioner has undertaken before this Court that the petitioner will not obstruct the trial or influence the witnesses, whose statements are yet to be recorded in any manner and in case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders, the petitioner has made out a case for the grant of benefit of regular bail.

Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

July 13, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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