

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

226

CRM-M-17673-2023

Date of decision: 18.07.2023

Satish

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Balkar Singh, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Addl. A.G., Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.248 dated 24.04.2022 under Sections 148, 149 and 304 of the IPC registered at Police Station City Gohana, District Sonipat.

2. While drawing the attention to the allegations levelled in the FIR which has been reproduced in the body of the petition, learned counsel for the petitioner inter alia contends that the petitioner allegedly assaulted the deceased with a *danda* and inflicted fist blows along with co-accused Amit and Parveen, as a result of which the deceased fell unconscious. Thereafter, all the accused fled away from the spot and when the deceased was removed to the hospital he was declared brought dead. Learned counsel submits that the false implication of the petitioner in the alleged crime finds due credence from the fact that while stepping into the witness box both the material witnesses including complainant Om Parkash during their testimony

failed to support the case of the prosecution as a result of which they were declared hostile. Learned counsel submits that as many as 16 prosecution witnesses have been cited and only 04 prosecution witnesses stand examined as on date. Hence, there is no likelihood of the trial concluding in the near future. It has been thus been prayed that in the aforementioned facts and circumstances, the petitioner be admitted to bail.

3. Per contra, learned State counsel, on instructions from SI Amardeep, while opposing the prayer and submission made by the counsel opposite, has not been able to dispute that similarly situated co-accused Amit and Parveen have since been extended the concession of bail vide orders dated 11.04.2023 and 01.02.2023 respectively. It has also not been disputed that the complainant while stepping into the witness box as PW1 had not supported the case of the prosecution as a result of which he was declared hostile.

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

5. The petitioner has been in custody since 24.04.2022 and 12 prosecution witnesses remain to be examined. Two material witnesses including the complainant have admittedly not supported the case of the prosecution during trial. Further incarceration of the petitioner in the aforementioned facts and circumstances would serve no useful purpose. In the facts and circumstances as enumerated hereinabove, this Court deems it appropriate to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate

CRM-M-17673-2023

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

18.07.2023 (MANJARI NEHRU KAUL)
Vinay JUDGE

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