

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

1. CRM-M No.20558 of 2023 (O&M)

Rashid

... Petitioner

Versus

State of Haryana

... Respondent

2. CRM-M No.20921 of 2023 (O&M)

Sakir Khan @ Sagar

... Petitioner

Versus

State of Haryana

... Respondent

Date of decision: 20th July, 2023

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Amardeep Rana and Mr. Nafeesh Ahmed,
Advocates for the petitioners.

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

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners are seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.280 dated 27.12.2012 under Sections 395, 397, 302, 201, 412 and 34 of the IPC and Section 25 of the Arms Act, 1959 (Section 120-B of the IPC added later on) registered at Police Station Bilaspur, District Gurugram.

2. Learned counsel for the petitioners have placed on record photocopy of the deposition of PW-3 Rohtash Singh, who was stated to be the star witness being a stamped witness as well. While drawing the

attention of this Court to the deposition of above said witness, learned counsel has submitted that all the three material witnesses including PW-3 Rohtash Singh had failed to support the case of the prosecution, as a result of which they were declared hostile. It has been further submitted that 24 prosecution witnesses still remain to be examined and thus, the trial is not likely to conclude in the near future. A prayer has, therefore been made for extending the concession of bail to the petitioners, who have now been in custody since 04.08.2022, as their further incarceration would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Ved Parkash has not been able to controvert that the three material witnesses including the star witness PW-3 Rohtash Singh, while stepping into the witness box, had indeed failed to support the case of the prosecution. He has also not disputed that 24 prosecution witnesses out of total 27 cited, still remain to be examined.

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

5. The petitioners have been in custody since 04.08.2022 and the trial will thus take considerable time to conclude as only 3 out of the 27 prosecution witnesses cited, have been examined so far. In addition to this, all the material witnesses, while stepping into the witness box, had not supported the case of the prosecution as a result of which they were declared hostile. In the facts and circumstances, as

enumerated hereinabove, this Court, thus, deems it fit to extend the concession of bail to the petitioners. Both the petitions detailed hereinabove, as such, are allowed and the petitioners are admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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.

(MANJARI NEHRU KAUL)
JUDGE

July 20, 2023
rps

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