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

Criminal Misc.No.M-34028 of 2023

Date of decision: 21.07.2023

Deepak and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. R.S. Mamli, Advocate
for the petitioners.

Mr. Rahul Mohan, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J.

The petitioners are seeking regular bail in case FIR No. 0987, dated 25.11.2022, under Sections 147, 148, 324 and 326 IPC, registered at Police Station Azad Nagar, Hisar, District Hisar (Annexed as Annexure P-1).

Learned counsel for the petitioners submits that the false implication of the petitioners in the FIR in question stands substantiated from the fact that during his cross-examination, the injured-complainant stated that none of the accused, including the petitioners had inflicted any injury on his person and were innocent. Learned counsel, thus, submits in the facts and circumstances since the sole material witness i.e. the injured-complainant had failed to identify the accused and categorically stated that they had not inflicted any injuries on his person, his further incarceration would serve no useful purpose as nine prosecution witnesses still remain to

be examined.

Learned counsel appearing for the State while opposing the prayer and submissions, has not been able to dispute that during his cross-examination the injured-complainant had exonerated the petitioners by stating that they had not inflicted any injuries on his person, however, he submits that during his examination-in-chief, the complainant reiterated the allegations levelled in the FIR against the petitioners. He, thus, submits that the complainant had turned turtle for reasons but obvious. He, however, has not disputed that the injured-complainant is the sole material witness in the case in hand, who as already noticed earlier stands examined.

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

The petitioners are in custody since 02.12.2022 and as already observed herein above the sole material witness i.e. the injured-complainant took a U-turn during his cross-examination. Nine prosecution witnesses still remain to be examined hence, further incarceration of the petitioner would not serve any useful purpose. In the facts and circumstances, as enumerated hereinabove, this Court, thus, deems it fit to extend the concession of bail to the petitioners. The petition as such is 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.

21.07.2023

Satyawan

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No