

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

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**CRA-S-2269-2023 (O&M)
Date of Decision: 05.10.2023**

Amit @ Dhillu

....Appellant

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sandeep Sharma, Advocate for the appellant.

Mr. Vishal Kashyap, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

1. The present appeal impugning the order dated 06.05.2023, passed by the Court of learned Additional Sessions Judge, Bhiwani, vide which the application filed by the appellant for grant of regular bail was dismissed.

2. Learned counsel for the appellant has submitted that the appellant is in custody for about 8 months and now 15 out of 39 prosecution witnesses have been examined including the eye witness and the complainant. He further submitted that as per the impugned order dated 06.05.2023 bail was not granted to the appellant on the ground that the eye-witnesses were yet to be examined whereas now the eye witnesses have been examined. He further submitted that even otherwise also it is a case where the appellant's name was not mentioned in the FIR and thereafter his name was nominated only on the basis of disclosure statement of the co-accused.

3. Learned counsel for the appellant has further submitted that the appellant has been falsely implicated in the present case and he is having clean antecedents and is not involved in any other case and in fact has referred to the statements of the complainant-Sahil and the eye witness Abhishek (Annexures A-3 and A-4), wherein it has been specifically stated that the appellant was not involved in this offence and so far as the present appellant is concerned, neither he had played any role nor he was present at the spot and therefore he may be considered for the grant of regular bail.

4. On the other hand, Mr. Vishal Kashyap, DAG, Haryana has submitted that it is correct that 15 out of 39 prosecution witnesses have been examined including the eye witness and the complainant. He also submitted that the appellant is not involved in any other case. He has however submitted that the remaining witnesses are yet to be examined and the allegations are serious in nature.

5. I have the learned counsel for the parties.

6. It is a case where the order passed by the learned Additional Sessions Judge, Bhiwani has been challenged by which the bail application of the appellant was dismissed.

7. A perusal of the bail order would show that at that point of time no eye witness was examined but now as per the learned counsel for the parties 15 total out of 39 prosecution witnesses have been examined including the eye witness and the complainant. As per the learned counsel for the appellant he made the reference of the statements of the complainant and the eye witness, they have stated that the appellant did not cause any injury to anybody and he was not present at the time of occurrence.

8. Therefore considering the aforesaid facts and circumstances this Court deems it fit and proper to grant bail to the appellant.
9. Consequently, the present appeal is allowed and the order dated 06.05.2023, passed by the Court of learned Additional Sessions Judge, Bhiwani is set aside. The appellant shall be released on bail subject to furnishing bail bonds/surety to the satisfaction of the Appellate Court/Duty Magistrate concerned, if not required in any other case.
10. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present appeal only.

05.10.2023
Mangal Singh

(JASGURPREET SINGH PURI)
JUDGE

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