

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. CRM-M No.43252 of 2023

Sonu
... Petitioner
Versus
State of Haryana
... Respondent

2. CRM-M No.45886 of 2023

Aryan
... Petitioner
Versus
State of Haryana
... Respondent

3. CRM-M No.47186 of 2023

Rohit
... Petitioner
Versus
State of Haryana
... Respondent

Date of decision: 13th October, 2023

CORAM: HON’BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Yashveer Kharb and Mr. Rajesh Bansal,
Advocates for the petitioners.
Mr. Rahul Mohan, Sr. Dy. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners in all the three petitions, detailed hereinabove,
are seeking the concession of bail under Section 439 Cr.P.C. in case FIR
No.112 dated 26.02.2021 under Sections 120-B, 148, 149, 302, 341 IPC
registered at Police Station City Panipat, District Panipat.

2. Learned counsel for the petitioners, while drawing the attention of this Court to the allegations levelled in the FIR, which has been annexed as Annexure P-1, inter alia contend that it had been projected by the prosecution to be a case based on eye-witness account, which was registered at the instance of Rajesh Kumar, uncle of the deceased Sagar, who alleged that after leaving his nephew, i.e. the deceased, near Jitender Hospital he went to the market for some personal work. On return, he found a huge crowd of people who disclosed that his nephew had been attacked with sharp edged weapons. When he met his nephew, who was still alive at that point in time, he allegedly told the complainant that the petitioners along with some of their friends had inflicted injuries on his person. Learned counsel contend that a false and fabricated version having been brought forth against the petitioners is evident from the fact that not only the complainant but the alleged eye-witness to the murder of Sagar, i.e. PW-4 Naman Madan, while stepping into the witness box had not supported the case of the prosecution, as a result of which both these material witnesses had been declared hostile during trial. In support, learned counsel have drawn the attention of this Court to the depositions of both these material witnesses, which have been annexed as Annexures P-2 and P-3, wherein the said fact stands reflected. Learned counsel have further submitted that petitioner Rohit has now been in custody since 04.03.2021, whereas petitioners Sonu and Aryan have been in custody since 07.03.2021. Thus, in the aforementioned facts and circumstances, further incarceration of the

petitioners would serve no useful purpose, more so when 10 witnesses cited by the prosecution still remain to be examined.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not been able to controvert that all the material witnesses stand examined during trial and they had not supported the case of the prosecution.

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

5. As not disputed, the case in hand rests on eye-witness account. The eye-witness as well as the complainant, while stepping into the witness box did not support the case of the prosecution. The petitioners have now been in custody for more than two-and-a-half years having been arrested on 07.03.2021. In the facts and circumstances, as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioners. The petitions, 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

October 13, 2023

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No