

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

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1.

CRM-M-43556-2023

Date of decision: 05.10.2023

Rohit @ David

.....Petitioner

Versus

State of Haryana

.....Respondent

2.

CRM-M-43561-2023

Date of decision: 05.10.2023

Darbar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Yashveer Kharb, Advocate
for the petitioners.

Mr. Rahul Mohan, Sr. DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. This order shall dispose of above referred two petitions as they arise out of the same FIR i.e. FIR No.112 dated 26.02.2021 under Sections 120-B, 148, 149, 302 and 341 of the IPC registered at Police Station Panipat City, District Panipat.

2. The petitioners are seeking the concession of bail under Section 439 of the Cr.P.C. in the FIR in question.

2. Learned counsel for the petitioners submits that the false implication of the petitioners in the murder of Sagar is evident from the fact that though it is a case eye witness account, they were not named in the FIR in question and still further during trial, all the material

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witnesses including the alleged eye witness while stepping into the witness box had not supported the case of the prosecution as a result of which they were all declared hostile. Learned counsel, thus, prays that in the aforementioned facts and circumstances, further incarceration of the petitioners would serve no useful purpose as there could be no apprehension of the petitioners trying to influence the witnesses to depose in their favour. It has also been submitted that all the material witnesses including the eye witness stand examined in the case in hand and 14 prosecution witnesses are yet to be examined.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Parminder, has not controverted that all the material witnesses including the complainant/eye witness were declared hostile during trial. However, he submits that in the CCTV footage which was retrieved by the investigating agency, the presence of the petitioners could be seen along with co-accused. Learned State counsel, however, at the same time on instructions, has submitted that even in the CCTV footage, the petitioners were not seen inflicting any injury on the person of the deceased.

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

5. The petitioners have been in custody for more than two and a half years having been arrested on 06.03.2021 and 28.02.2021 respectively. As many as 19 prosecution witnesses including all the material witnesses stand examined out of the 33 cited by the prosecution. The trial is unlikely to conclude in the near future. In the

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facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioners.

6. Accordingly, the instant petitions are allowed. The petitioners be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate 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.

05.10.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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