

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

1. CRM-M No.46008 of 2023

Rahul Kumar

... Petitioner

Versus

State of Haryana

... Respondent

2. CRM-M No.46666 of 2023

Sharwan Kumar

... Petitioner

Versus

State of Haryana

... Respondent

Date of decision: 7th November, 2023

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. K.S. Dadwal, Advocate for the petitioners.

Mr. Baljinder S. Virk, Sr. Dy. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners in both the petitions detailed hereinabove are seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.360 dated 08.08.2022 under Sections 148, 149, 307 IPC (Sections 323, 506, 326, 201 IPC added later on) registered at Police Station Taraori, District Karnal.

2. Learned counsel for the petitioners has inter alia reiterated that a false and fabricated case has been planted upon the petitioners for having inflicted various injuries on the person of the injured as well as

two other persons. He submits that it is a matter of record that the complainant as well as injured Sudhir, while stepping into the witness box, had not supported the case of the prosecution, as a result of which they had been declared hostile. Learned counsel submits that in the facts and circumstances, further incarceration of the petitioners Rahul Kumar and Sharwan Kumar would serve no useful purpose as they are in custody since 18.08.2022 and 08.08.2022 respectively. It has further been submitted that as many as 17 prosecution witnesses 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 including injured witness Sudhir, while stepping into the witness box, had not supported the case of the prosecution and as a result of which, he was declared hostile. However, he has submitted that the petitioner Rahul Kumar was armed with an iron rod whereas petitioner Sharwan Kumar with a Gandasi, and as a result of the injuries inflicted on the person of injured Sudhir, his left hand was amputated.

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

5. The petitioners namely Rahul Kumar and Sharwan Kumar have now been in custody since 18.08.2022 and 08.08.2022 respectively, and there is no likelihood of the trial concluding in the near future as 17 witnesses cited by the prosecution still remain to be examined. In

addition, all the material witnesses including the injured witness already stand examined. In the facts and circumstances, as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioners. Both 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

November 7, 2023

rps

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