

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 213

Criminal Miscellaneous No.M-47889 of 2022 (O&M)

Date of Decision: *February 09, 2023*

Deepak

..... PETITIONER(S)

VERSUS

State of Haryana

..... RESPONDENT(S)

Criminal Miscellaneous No.M-39162 of 2022 (O&M)

Date of Decision: *February 09, 2023*

Jai Kishan

..... PETITIONER(S)

VERSUS

State of Haryana

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

. . .

PRESENT: - Mr. Saurabh Dalal, Advocate for the petitioners.

Ms. Mahima Yashpal, DAG, Haryana.

. . .

Tribhuvan Dahiya, J (Oral)

These are petitions under Section 439 Cr.P.C. for grant of regular bail to the petitioners in case FIR No.178 dated 30.03.2021, under Sections 498-A, 304-B, 201, 34 IPC, registered at Police Station, Sampla, District Rohtak.

Learned counsel for the petitioners contends that material witnesses have already been examined. The complainants, i.e., PW-2/deceased's father and PW-4/ deceased's brother, have not supported the prosecution version. Their statements are on record as Annexure P-1.

Learned State counsel, on instructions from SI Prakash, submits that ten of thirteen witnesses have been examined and trial is about to conclude. Therefore, bail should not be granted.

On the last date, i.e., 16.01.2023, the case was adjourned for today only because the four remaining official witnesses were to be examined on 19.01.2023. However, the situation remains the same. None of those could be examined by the prosecution despite two opportunities afforded by the trial Court. Now the trial stands adjourned to 15.05.2023.

In view of the aforesaid, it is apparent that trial of the case will take some time to conclude and material witnesses of the prosecution have already been examined, therefore, no purpose would be served by keeping the petitioners in custody during trial.

Accordingly, the petitions are allowed and the petitioners are ordered to be released on bail on furnishing of requisite bonds/sureties to the satisfaction of trial Court/Duty Magistrate concerned.

Pending miscellaneous application(s), if any, stand disposed of, as having been rendered infructuous.

(Tribhuvan Dahiya)
Judge

February 09, 2023
payal

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No