

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

230

**2023:PHHC:134504**

**CRM-M-48370-2023**

Date of decision: October 16<sup>th</sup>, 2023

Bhupender @ Ranjha

.....Petitioner

Versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. Naveen Kashyap, Advocate  
for the petitioner.

Mr. Rahul Mohan, Senior Deputy Advocate General,  
Haryana.

**MANJARI NEHRU KAUL, J. (ORAL)**

The petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.112 dated 26.02.2021 under Sections 120-B, 148, 149, 302 and 341 of the IPC registered at Police Station City Panipat.

2. Learned counsel for the petitioner, *inter alia*, contends that false implication of the petitioner in the case in hand is evident from the fact that all the material witnesses including the complainant and eyewitness, while stepping into the witness box, had not supported the case of the prosecution, as a result of which they were declared hostile. In support, learned counsel has drawn the attention of this Court to the deposition of all these material witnesses, which has been annexed as Annexures P-2 to P-8, wherein the said fact stands reflected. Learned counsel submits that in the circumstances, further incarceration of the petitioner would serve no useful purpose since he has now been in custody for 2 years and 7 months having been arrested on 07.03.2021.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not been able to dispute that all the material witnesses including the eyewitness to the murder of Sagar (hereinafter referred to as ‘deceased’) had been declared hostile during trial. However, he submits that the deceased had been attacked by the petitioner and 5/6 of his friends, who had been nursing a grudge against him and had inflicted injuries on his person with sharp-edged weapons.

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

5. The petitioner has been in custody since 07.03.2021 and as not disputed by the learned State counsel, all the material witnesses including the complainant, did not support the case of the prosecution, as a result of which they were declared hostile. 23 prosecution witnesses out of the 33 cited stands examined. The trial, thus, is unlikely to conclude in the near future.

6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner. The instant petition is, therefore, allowed. The petitioner 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.

**October 16<sup>th</sup>, 2023**  
*Puneet*

**(MANJARI NEHRU KAUL)**  
**JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No