

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

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2023:PHHC:134514

CRM-M-49733-2023

Date of decision: October 16th, 2023

Bharat Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Aman Pal, 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.678 dated 09.08.2020 under Section 302 of the IPC registered at Police Station City Panipat.

2. Learned counsel for the petitioner, *inter alia*, contends that it is a case based on eyewitness account, however, the complainant/eyewitness while stepping into the witness box as PW-1, had not supported the case of the prosecution during trial and had categorically deposed that deceased-Kavita (sister-in-law of the complainant) had been attacked by some unknown assailant with a knife, who thereafter fled away from the spot. Learned counsel submits that thus, it was evident that a false case had been planted upon the petitioner. It has been further submitted that since the petitioner has now been in custody for more than three years having been arrested on

10.08.2020, his further incarceration would serve no useful purpose, more so since prosecution evidence is still underway.

3. *Per contra*, learned State counsel although has not disputed the submissions made by the counsel opposite qua the complainant/eyewitness turning hostile during trial, however, he submits that in the FIR in question, which was lodged promptly, specific allegations had been levelled against the petitioner by the complainant, who also happens to be her husband. He submits that it was evident that the complainant had taken a U-turn for reasons but obvious i.e. on account of the fact that the petitioner was her husband.

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

5. Be that as it may, the petitioner has been in custody since 10.08.2020. The complainant has not supported the case of the prosecution. There is no likelihood of the trial concluding 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 16th, 2023

Puneet

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No