

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

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**CRM-M No. 52700 of 2022
Date of Decision : 10.3.2023**

Swastik

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Balkar Singh, Advocate, for the petitioner
Ms. Ankita Ahuja, AAG, Haryana

TRIBHUVAN DAHIYA J. (ORAL):

This is a petition under Section 439 Cr.P.C. seeking regular bail to the petitioner in case FIR No.27 dated 7.2.2020 under Sections 302, 323, 354, 452, 120-B and 34 IPC and Sections 25 of Arms Act, 1959, registered at Police Station HSIDC Barhi, District Sonapat.

The FIR was lodged on a complaint of the victim's father alleging that three unknown boys, were passing comments on his daughter when his nephew Mohit/deceased, aged about nineteen years, was coming on a tractor. He gave lift to his daughter and brought her to the bus-stop, where they met the complainant. These three boys were riding a black motor cycle and making filthy comments against the victim. In the evening, around 6:45 p.m., these three boys came at Mohit's tent shop, and started abusing him. One of the boys fired on his chest with country made pistol, and another hit the complainant on his head with an object. Thereupon, they fled away on the motor cycle. Later, Mohit was declared brought dead in the hospital.

Learned counsel for the petitioner contends that the petitioner was not named in the FIR. During trial, the complainant as well as her daughter have testified as PW-8 and PW-9 respectively (whose statements have been placed on record as Annexures P-1 and P-2 respectively). None of them has supported the prosecution, nor has the petitioner been identified by either of them. Other prosecution witnesses PW-10 Naresh and PW-11 Balwan

(deceased's father), whose statement on record is Annexure P-3 and P-4, have also not supported the prosecution version.

Learned State counsel, on instructions from SI Shri Niwas, submits that trial of the case is going on and sixteen out of twenty five prosecution witnesses have already been examined. She further states that the petitioner is accused of inflicting iron-rod injury on the complainant, which is duly corroborated by medical evidence. It is, however, not denied that the injury is simple in nature. It is also not denied that there is no other case against the petitioner, who is in custody since 8.2.2020.

Keeping in view the aforesaid facts and circumstance, as also that material witnesses have already been examined who have not supported the prosecution case, and trial of the case will take some time to conclude, it is deemed appropriate to admit the petitioner to bail. He does not have criminal antecedents. Confining him to custody any longer will not serve any useful purpose.

Accordingly, the petition is allowed. The petitioner is ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(TRIBHUVAN DAHIYA)
JUDGE

10.3.2023

Ashwani

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