

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

236+275

1.

CRM-M-52009-2023

Date of decision: 19.10.2023

Shekhar

.....Petitioner

Versus

State of Haryana

.....Respondent

2.

CRM-M-51438-2023

Date of decision: 19.10.2023

Dinesh

.....Petitioner

Versus

State of Haryana

.....Respondent

3.

CRM-M-51709-2023

Date of decision: 19.10.2023

Arun Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Surinder Singh Virk, Advocate and
Mr. Yashveer Kharb, Advocate
for the petitioners.

Mr. Rahul Mohan, Sr. DAG, Haryana and
Ms. Mayuri Lakhanpal, DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. This order shall dispose of above referred three petitions as they arise out of the same FIR i.e. FIR No.112 dated 26.02.2021 under Sections 120-B, 148, 149, 302 and 341 of the IPC registered at Police Station Panipat City, District Panipat.

2. The petitioners are seeking the concession of bail under

Section 439 of the Cr.P.C. in the FIR in question.

2. Learned counsel for the petitioners submit that the false implication of the petitioners in the murder of Sagar is evident from the fact that though it is a case of eye witness account, however, all the material witnesses including the alleged eye witness/complainant while stepping into the witness box had not supported the case of the prosecution as a result of which they were all declared hostile. Learned counsel, thus, pray that in the aforementioned facts and circumstances, further incarceration of the petitioners would serve no useful purpose as there could be no apprehension of the petitioners trying to influence the witnesses to depose in their favour. It has also been submitted that all the material witnesses including the eye witness stand examined in the case in hand and 14 prosecution witnesses are yet to be examined.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Parvinder, have not controverted that all the material witnesses including the complainant/eye witness were declared hostile during trial.

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

5. The petitioners have been in custody for more than two and a half years. As many as 19 prosecution witnesses including all the material witnesses stand examined out of the 33 cited by the prosecution. The trial is unlikely to conclude in the near future. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioners.

6. Accordingly, the instant petitions are allowed. The petitioners 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.

19.10.2023

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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