

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

**CRM-M-54922-2023
Date of decision: 30.11.2023**

HARDEV SINGH @ HARDEV SONU**.....PETITIONER**

VERSUS

STATE OF HARYANA**.....RESPONDENT****CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. P.S. Jammu, Advocate with
Mr. Pardeep Kamboj, Advocate
for the petitioner.

Mr. Rahul Mohan, Sr. DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. This is second petition under Section 439 Cr.P.C., whereby petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No. 516 dated 17.12.2021 under Sections 34, 392 IPC (Section 397 IPC added later on) and 25 of Arms Act, 1959, registered at police Station Sadar Sirsa, District Sirsa.

2. Learned counsel appearing for the petitioner at the outset has invited the attention of this Court to the copies of the deposition of all the material witnesses, including the complainant, which have been annexed as Annexure P-3, wherein it stands reflected that all these witnesses while stepping into the witness box, had not supported the case of the prosecution, as a result of which, they were all declared hostile.

3. Learned counsel appearing for the petitioner, thus submits that it is evidently a case of false implication and in the circumstances, he deserves to be enlarged on bail as now he has been in custody since 01.01.2022.

4. Learned State counsel while opposing the prayer and

submissions made by learned counsel for the petitioner, on instructions from ASI Ravi, has not been able to dispute that all the material witnesses, including the complainant stand examined before the trial Court and they all have been declared hostile. However, he submits that the petitioner along with co-accused had waylaid the complainant and tried to rob him, his mobile phone and motorcycle at gunpoint.

5. Learned State counsel has further submitted that 14 prosecution witnesses remain to be examined before the trial Court.

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

7. The petitioner has been in custody for almost two years having been arrested on 01.01.2022. All the material witnesses, including the complainant stand examined and as not disputed by the State counsel, were declared hostile during the trial. The trial is unlikely to conclude in the near future, as the prosecution evidence is still underway.

8. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

9. Accordingly, the instant petition is 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.

30.11.2023
manoj

(MANJARI NEHRU KAUL)
JUDGE

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