

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

CRM-M-56801-2023 (O&M)

Date of decision : 22.11.2023

AASHISH

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Ashwani Bhardwaj, Advocate for the petitioner.

Mr. A.K. Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

This is second petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.388 dated 02.08.2022 registered for the offences punishable under Sections 392 of the IPC, 1860 and Section 25 of Arms Act, 1959 at Police Station Urban Estate, Hisar, (charges have been framed against the petitioner under Sections 395 of IPC and Section 25 of Arms Act).

2. Custody Certificate of the petitioner has been produced. The same is taken on record.

3. Counsel for the petitioner relies upon the order dated 20th of October, 2023 passed in CRM-M-53368-2023 whereby the co-accused Ravinder stands admitted to bail after observing that the material witnesses during trial i.e. eye witness as well as the complainant have not support the prosecution and have turned hostile. The petitioner is stated to be behind

bars for more than 1 year, 2 months and 15 days.

4. State counsel does not dispute the aforesaid factual assertions made by counsel for the petitioner which are based on record.
5. I have heard counsel for the parties and have gone through records of the case.
6. Without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner and the fact that the material witnesses have not supported the prosecution, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.
7. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

November 22, 2023	(Pankaj Jain)
Dpr	Judge
Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No