

2023:PHHC:155302

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

CRM-M-59666-2023

Date of Decision : December 04, 2023

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.....Petitioner

Vs.

State of Haryana

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Paras Jagga, Advocate
 for the petitioner.

Mr. Kanwar Jeet Singh, AAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the petition is for grant of regular bail to the petitioner in case FIR No.206 dated 13.09.2020 under Sections 302, 323, 324, 34 IPC and Sections 148, 149, 307, 327, 34 IPC and Section 25 of the Arms Act (added later on), registered at Police Station HSIDC Barhi, District Sonapat.

The present FIR came to be registered at the instance of Pawan, who stated that all the accused persons, including the petitioner had committed the murder of his father Narsi and Jagmohan.

The learned counsel for the petitioner submits that Pawan-complainant was examined as PW3 and Narain, Anil, Mahabir, Dinesh, Bal Krishan, Parveen, Nav Rattan and Anil were examined as PW-4 to PW-9 and PW11 and PW12, respectively. None of them have supported the case of the prosecution. As all the 09 material witnesses had turned hostile and the petitioner was in custody since 16.09.2023, he is entitled to the concession of bail.

CRM-M-59666-2023

-2-

The learned State counsel, on the other hand, contends that the allegations levelled against the petitioner and his co-accused did not entitle him to the grant of bail. He, however, concedes that all the material witnesses have been examined and have not supported the case of the prosecution as also the fact that the petitioner is in custody since 16.09.2020.

I have heard learned counsel for the parties.

Admittedly, all the 09 material witnesses, including the complainant have been examined and have not supported the case of the prosecution having turned hostile. Whether the remaining evidence available on record is sufficient to affix the guilt of the petitioner shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is in custody since 16.09.2020 and only 15 out of 36 prosecution witnesses have been examined so far and as many as 11 witnesses still remained to be examined. Therefore, the trial of the present case is not likely to be concluded in the near future. In this situation, the further incarceration of the petitioner is not required.

In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

December 04, 2023
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(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : YES / NO

Whether reportable : YES / NO