

CRM-M-63009-2023

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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 three 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 24.01.2023.

I have heard the learned counsel for the parties.

Admittedly, all the three 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 24.01.2023 and as many as 16 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 incarnation 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 19, 2023
satish

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : YES / NO

Whether reportable : YES / NO