

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.1407 of 2024
Date of decision: 26th February, 2024

Braham Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Dr. Pankaj Nanhera, Mr. Rahul Gautam & Pardeep Duhan,
Advocates for the petitioner.

Ms. Trishanjali Sharma, Dy. Advocate General, Haryana
for the respondent/State.

Ms. Shruti Rathour, Advocate for
Mr. Sumeet Jain, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.334 dated 11.11.2022 under Sections 418, 419, 420, 467, 468, 471, 120-B of the IPC registered at Police Station Mundkati, District Palwal.

2. Learned counsel for the petitioner inter alia contends that the false implication of the petitioner in the case in hand is evident from the fact that during trial the complainant, who stepped into the witness box as PW-1, did not support the case of the prosecution as a result of which she was declared hostile. Learned counsel submits that even otherwise, in a Magisterial trial the petitioner has now been in custody for about 3

months, having been arrested on 30.11.2023. A prayer has therefore, been made for extending the concession of bail to the petitioner, as his further incarceration in the aforementioned facts and circumstances would serve no useful purpose, more so, since as many as 21 witnesses have been cited by the prosecution.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not been able to dispute that the complainant while stepping into the witness box as PW-1, had failed to support the case of the prosecution as a result of which she was declared hostile. Learned State counsel, on further instructions, has also not disputed that co-accused Ramdas @ Rajender has also been granted the concession of bail by the learned trial Court after noticing that the complainant, while stepping into the witness box as PW-1, had not supported the case of the prosecution as a result of which she was declared hostile. She has further informed the Court that the next date of hearing fixed before the trial Court is 07.03.2024, when some more prosecution witnesses are likely to be examined.

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

5. PW-1 Birwati, while lodging the FIR in question, stated as under:

“It is stated that my father and others were four brothers. My father was named Bhagwan Singh, elder uncle is Chotu Ram, Badan Singh and Chandu ram. Chotu Ram

and Badan Singh were unmarried and not having any child. Chotu ram has died. Badan singh left home 35 years ago. We have filed the case regarding land dispute. The case was filed in Hodal court. I do not know anything more about that. I was ill for last 1 year and I do not know anything. Naresh and Bharam Singh sold my farms. Witness and advocate on that registry belonged to village Bindoli. I made complaint in this regard exhibit P1/PW1 bears my thumb impression to the police. I do not want to say anything more except this in this case. I do not identify the accused.”

6. As not disputed by the learned State counsel, the complainant while stepping into the witness box had been declared hostile. The petitioner has now been in custody since 30.11.2023 in a case of Magisterial trial. In the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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.

(MANJARI NEHRU KAUL)
JUDGE

February 26, 2024
rps

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