

2. The prayer in the present petitions is for grant of regular bail to the petitioners in case FIR No.206 dated 13.09.2020 under Sections 302, 323, 324, 326, 34 IPC (Sections 148, 149, 307 IPC and Section 25 of the Arms Act were added later on and Sections 326 and 34 IPC were deleted), registered at Police Station HSIDC Barhi, District Sonapat.

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

4. The learned counsel for the petitioners submit 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 petitioners were in custody since 16.09.2020, they were entitled to the concession of bail as a co-accused Bittu had been granted the similar concession vide order dated 04.12.2023 passed in CRM-M-59666-2023.

5. The learned State counsel, on the other hand, contends that the allegations levelled against the petitioners and their co-accused did not entitle them 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 petitioners were in custody since 16.09.2020.

6. I have heard learned counsel for the parties.

7. 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. The petitioners are in custody since 16.09.2020 and only 25 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 petitioners is not required.

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

January 12, 2024
satish

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : YES / NO

Whether reportable : YES / NO