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Hence, in the circumstances, the case was adjourned for today with the directions to the learned trial Court to record the evidence of PW-3 Naeem positively.

3. Learned State counsel, on instructions, has informed the Court that PW-3 Naeem stands examined; PW-3 Naeem while testifying before the trial Court stated that he had not witnessed the alleged occurrence and whatever he had learnt about the crime in question was through a telephonic call received from the police.

4. Learned counsel for the petitioner has reiterated that a false case had been planted upon the petitioner, on the basis of hearsay evidence, which was conveyed to him by Pw-3 Naeem, who too had been intimated by the police about the occurrence in question in which brothers-in-law of the complainant, Salim and Faim (hereinafter referred to as 'deceased') lost their life. Learned counsel has further submitted that since both the material witnesses i.e. complainant as well as PW-3 Naeem stand examined and as also not disputed by the State counsel has categorically stated that he had not witnessed the occurrence in question, further incarceration of the petitioner in the facts and circumstances would not be justified.

5. I have heard learned counsel for the parties and perused the material placed on record.



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6. Allegedly, both the deceased Salim and Faim were mowed down by a vehicle i.e. tractor bearing registration No.DL-1LAD-0661. After receiving information about the accident in question, the police informed the complainant as well as PW-3 Naeem about the death of both the deceased. The trial is unlikely to conclude in the near future as out of 16 prosecution witnesses 12 witnesses still remain to be examined. The petitioner is not shown to be involved in any other criminal case.

7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. 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.

21.05.2024
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(MANJARI NEHRU KAUL)
JUDGE

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