



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

CRM-M No.12231 of 2024
Date of decision: 4th July, 2024

Krishan

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Edward Augustine George, Advocate for the petitioner.

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

Mr. Nonish Kumar, 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.352 dated 29.07.2018 under Sections 148, 149, 302, 307, 379, 216, 120-B of the IPC and Section 25 of the Arms Act, 1959 registered at Police Station Butana, District Karnal.

2. In compliance of order dated 09.05.2024, report has been received from the learned trial Court. A perusal of the report makes it abundantly clear that trial has come to a virtual stand still on account of the non-appearance of the complainant (alleged eye-witness to the crime in question), who is stated to be abroad. Furthermore, despite the summons issued to the other prosecution witnesses, they have not been appearing before the trial Court to get their evidence recorded. On a



couple of occasions,ailable warrants have also been issued to secure the presence of some of the prosecution witnesses.

3. Learned State counsel assisted by learned counsel for the complainant has not disputed the contents of the report received from the learned trial Court, however, it has been argued by them that there are serious allegations levelled against the petitioner of having murdered his own brother-in-law. It has, still further, been submitted that the petitioner is a man of criminal antecedents as he is involved in 17 other criminal cases.

4. On a pointed query put to the learned State counsel as to whether the petitioner is on bail in the other criminal cases, which stand registered against him, she on instructions, has submitted that while in some cases the petitioner has been enlarged on bail, however, he is still in custody in 8 other cases.

5. Learned counsel for the petitioner has reiterated the submissions made on the last date of hearing that he has been falsely implicated in the case in hand and even though charges were framed way back on 11.10.2022, none of the 51 prosecution witnesses had been examined till date, hence, he could not be made to languish in custody for an indefinite period to await appearance of the prosecution witnesses before the learned trial Court.

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



7. In the facts and circumstances as enumerated hereinabove, it is evident that there is no likelihood of the trial concluding in the near future. The petitioner, thus, cannot be made to languish in custody for an indefinite period of time and this Court deems it fit to extend the concession of bail to him. The petition as such is allowed and the petitioner is admitted to bail. He be released subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, if not in custody/required in any other case.

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.

9. Needless to add here, in case the petitioner misuses the concession of bail, the State would be at liberty to approach this Court for cancellation of bail in the instant case.

(MANJARI NEHRU KAUL)
JUDGE

July 4, 2024
rps

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