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

CRM-M-14623-2024

Date of decision: 02.04.2024

Sunil @ Sunny

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Ms. Samridhi Sareen, Advocate for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail in case having FIR No.227 dated 24.03.2023, under Sections 307, 323, 452 and 506 of IPC, registered at Police Station Barwala, District Hisar

2. As per the allegations appearing in the FIR, petitioner came to shop of complainant Gulshan on 23.03.2023 and hit hammer on his head and then escaped from there and that the entire occurrence was captured in the CCTV cameras installed at the spot. During investigation, the petitioner was arrested on 25.03.2023 and one hammer was recovered at his instance.

3. Counsel for the petitioner *inter alia* submits that the petitioner is falsely implicated in the present case and is in custody for the last more than one year. It is further submitted that the complainant while appearing in the witness box as PW-2 has failed to support the case of prosecution as

is evident from Annexure P-3. It is further submitted that in the given circumstances, no purpose will be served by keeping the petitioner behind the bars for any longer period.

4. The State counsel while resisting the present petition on instructions from ASI Upender Singh submits that no doubt, complainant while appearing in the witness box has been declared hostile but the entire occurrence was captured in CCTV camera which was installed at the place of occurrence and as per the said CCTV footage, it was petitioner who gave hammer blow on head of the complainant. The State counsel has not refuted the fact that the petitioner is in custody for the last more than one year and that till date, only 2 witnesses have been examined out of total 10 witnesses on behalf of prosecution.

5. In rebuttal, counsel for the petitioner while referring the testimony Annexure P-3 of complainant Gulshan submits that the complainant had admitted before the trial Court that he never handed over any pen drive to the police and further stated that no CCTV camera was installed in his shop. It is further submitted that even PW-1 Raju, Draftsman in his deposition stated that he has not shown any place where CCTV camera was installed and that copy of his deposition is Annexure P-4.

6. In view of the fact that complainant resiled from his previous statement while appearing in the witness box and petitioner is in custody for the last more than one year but it will take considerable time for trial to conclude, no fruitful purpose is going to be served by prolonging the judicial custody of the petitioner.

7. Consequently, without expressing on the merits of the case, the

present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing of bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

02.04.2024

Yogesh

**(KARAMJIT SINGH)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**