

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.14866 of 2024 (O&M)
Date of decision: 3rd April, 2024

Amarjeet
... Petitioner

Versus

State of Haryana
... Respondent

CORAM: HON’BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Pooja Jaglan, Advocate for the petitioner.
Mr. Rajesh Gaur, Addl. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.578 dated 20.08.2017 under Sections 307, 34 of the IPC and Section 25 of the Arms Act, 1959 registered at Police Station Samalkha, District Panipat. This is second petition filed by the petitioner.
2. Learned counsel for the petitioner inter alia contends that the false implication of the petitioner in the crime in question is evident from the fact that the complainant/injured, while stepping into the witness box during trial, did not support the case of the prosecution as a result of which he was declared hostile. Learned counsel submits that since all the material witnesses stand examined, further incarceration of

the petitioner in the facts and circumstances would serve no useful purpose as there can be no possibility of the petitioner intimidating/influencing the witnesses. A prayer has, therefore, been made for extending the concession of bail to the petitioner.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from Inspector Phool Singh, has not been able to controvert that all the material witnesses including the complainant/injured stand examined; it has also not been disputed that the sole material witness i.e. the complainant did not support the case of the prosecution as a result of which he was declared hostile during trial. However, learned State counsel submits that as per the allegations in the FIR, the petitioner along with co-accused fired three shots on the right leg of the injured; the said firearm injuries were later on opined to be dangerous to life. Learned State counsel, still further submits that the next date of hearing fixed before the trial Court is 25.04.2024 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. The petitioner has now been in custody since 10.03.2023; his further incarceration would serve no useful purpose as the sole material witness in the case in hand i.e. the injured/complainant stands examined, who admittedly did not support the case of the prosecution

during 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

April 3, 2024
rps

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