



Sr. No. 228 (1)

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

**CRM-M-15053-2024 (O&M)
Date of decision : 12.09.2024**

Jagdish @ Jonty

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Anil Rathore, Advocate for
Mr. Hukam Singh, Advocate for the petitioner.

Ms. Palika Monga, DAG, Haryana.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail pending trial to the petitioner in FIR No.212 dated 18.04.2023, under Sections 323, 506, 147, 148 read with Section 149 of Indian Penal Code, 1860 (for short 'IPC') and (Sections 325, 308, 216 and 201 of IPC added later on) registered at Police Station Adampur, District Hisar.

2. Allegations are that petitioner along with co-accused attacked and inflicted injuries to the complainant with bottle, stick and iron rods with an intention to kill him.

3. Custody certificate dated 11.09.2024 has been produced by learned State counsel, which is taken on record.

4. Learned counsel for the petitioner specifically contends that complainant has turned hostile. Further contends that he is not



named in the FIR; rather nominated on the basis of disclosure made by co-accused. Also contends that petitioner is in custody since 18.08.2023 and out of 15 PWs, only 05 have been examined till date, therefore, trial is likely to take sufficient long time.

5. *Per contra*, learned State counsel acknowledged the above factual position but vehemently opposes the prayer of the petitioner while submitting that petitioner along with co-accused had given merciless beatings to the complainant.

6. Heard both sides and perused the paper-book.

7. It is not in dispute that petitioner has been nominated on the basis of disclosure made by co-accused. Also not in dispute that petitioner is in custody since 18.08.2023 and out of 15 PWs, only 05 have been examined till date. Above all, the complainant has turned hostile; therefore, further incarceration of the petitioner would not serve any purpose.

8. In view of the above, present petition is allowed. Petitioner shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. Petitioner shall appear on each & every date of hearing and shall fully co-operate with the learned trial Court without seeking any unnecessary adjournment(s).

10. The above observations be not construed as an expression of opinion on the merits of the case in any manner.



11. It is clarified that if there is any recurrence or misuse of concession on the part of the petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

12.09.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No