



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

105+221

CRM-23050-2024 in/and
CRM-M-16881-2024
Date of decision: May 27th, 2024

Parmod Kumar alias Gulia

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Dheeraj Narula, Advocate
for the applicant-petitioner.

Ms. Deepshikha Chauhan, Assistant Advocate General,
Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-23050-2024

Prayer in this application is for placing on record copy of
testimonies as Annexures P-4 to P-6.

Application is allowed subject to just exceptions.

Annexure P-4 to P-6 are taken on record.

CRM-M-16881-2024

Petitioner is seeking the concession of bail under Section
439 of the Code of Criminal Procedure, 1973 in case FIR No.320 dated
04.08.2023 under Sections 304 and 328 read with Section 149 of the
IPC, registered at Police Station Sadar Dabwali, District Sirsa.

2. Learned counsel for the petitioner has at the outset
submitted that the petitioner having been falsely implicated in the
present case is evident from the fact that while stepping into the witness
box, all the material witnesses including the complainant had not

supported the case of the prosecution, as a result of which they were all declared hostile. Learned counsel has submitted that the petitioner has now been in custody since 07.08.2023 and since all the material witnesses stand examined and as already submitted, were declared hostile, his further incarceration would serve no useful purpose.

3. Learned State counsel, on instructions, has not disputed the submissions made by the counsel opposite qua all the material witnesses having been declared hostile during trial, however, learned counsel has reiterated the allegations levelled in the FIR, which has been annexed as Annexure P-1, wherein the complainant had stated that it was the petitioner, who had administered overdose of heroin to the deceased, which proved fatal for him.

4. Learned counsel appearing for the complainant has not controverted the factum of all the material witnesses having been declared hostile by the trial Court. He submits that it was on account of some misguided suspicion that the complainant had nominated the petitioner as an accused in the present FIR.

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

6. In the facts and circumstances as enumerated hereinabove, further incarceration of the petitioner would serve no useful purpose as five prosecution witnesses still remain to be examined. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. 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.

8. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

May 27th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No