





IPC and Sections 148, 149 of IPC deleted, at Police Station Dhand District Kaithal.

2. Learned counsel for the petitioner contends that the petitioner has been falsely involved by the complainant with an oblique motive. Learned counsel further contends that the petitioner was arrested in the present case on 13.04.2021 and is in custody for the last more than 03 years and 03 months. He further contends that even though, the petitioner is shown to be a main accused by the complainant, but he is continuing in custody for the last more than 03 years and 03 months and the material witnesses have already been examined by the prosecution. He further contends that the statement of material witnesses PW-3 Ganga Devi, PW-4 Jyoti Devi, PW-2 Balraj and PW-5 Davender have already been recorded (Annexures P-6 to P-9) and all the witnesses did not support the case of the prosecution and were declared hostile. Thus, the chances of conviction of the present petitioner before the trial Court are bleak and no purpose will be served by keeping the petitioner behind bars.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court.

4. I have heard the learned counsel for the parties and perused the record.

5. No doubt, serious allegations have been levelled against the present petitioner and he is stated to be principal accused in the present case. However, the petitioner is in custody for the last more than 03 years and 03 months and



the material witnesses have already been examined by the trial Court. Thus, there are no chances of tampering with the prosecution evidence at this stage.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

09.08.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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