



CRM-M-23138-2024 (O&M)

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(213)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-23138-2024 (O&M)

Date of Decision: 29.05.2024

SUDHIR SEHRAWAT

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. G.S. Sullar, Advocate and  
Mr. Devaki Anand Sullar, Advocate  
for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

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JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.148 dated 27.05.2023 registered under Sections 302, 323, 34, 365 IPC, 1860 at Police Station Rajendra Park, District Gurugram.

2. The learned counsel for the petitioner contends that all the material witnesses namely, PW1-Kamlesh Devi, PW2-Satish Kumar, PW3-Bal Mukund Singh, PW4-Sumit Kumar and PW5-Rohit Kumar have turned hostile. As the petitioner was in custody since 28.05.2023 and as many as 29 prosecution witnesses remained to be examined, the Trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.



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3. A reply dated 27.05.2024 by way of an affidavit of Shiva Archan, HPS, Asstt. Commissioner of Police, West, Gurugram has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. He contends that the petitioner got recovered his mobile phone and on checking the same, the video of the accused persons giving beatings to the deceased-Ajeet Kumar son of Shri Kaushal Singh was found. The mobile phone was taken into possession. The CDRs of the accused were also obtained as per which they were in touch with each other. He, however, concedes that the material witnesses had turned hostile, that the petitioner was in custody since 28.05.2023 and that as many as 29 prosecution witnesses remain to be examined.

4. I have heard the learned counsel for the parties.

5. Admittedly, all the material witnesses have been examined and have not supported the prosecution case. Whether the remaining evidence including the video recording allegedly found in the phone of the petitioner is sufficient to inculcate the petitioner and his co-accused would be adjudicated upon during the course of the Trial. Admittedly, the petitioner is in custody since 28.05.2023 and as many as 29 prosecution witnesses are yet to be examined. As the Trial of the present case is not likely to be concluded anytime soon, his further incarceration is not required.

6. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Sudhir Sehrawat son of Hari Om is

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ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

7. The petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

8. The petition stands disposed of.

**(JASJIT SINGH BEDI)**  
**JUDGE**

**29.05.2024**

JITESH

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