



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

217

CRM-M-23900-2024

Date of decision: May 17th, 2024

Rinku

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Jai Singh Yadav, Mr. Rishab Bhandari
and Mr. Sahil Raria, Mr. Pradeep Yadav
and Ms. Alpana Yadav, Advocates
for the petitioner.

Ms. Deepshikha Chauhan, Assistant Advocate General,
Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

This is a second petition filed by the petitioner seeking the concession of regular bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.182 dated 25.05.2022 under Sections 302, 148, 149, 201, 120-B of the Indian Penal Code, 1860 registered at Police Station Sadar Narwana, District Jind.

2. Learned counsel for the petitioner at the outset has drawn the attention of this Court to the allegations levelled in the FIR, which has been annexed as Annexure P-1. He submits that as per allegations levelled, the deceased had been fatally assaulted by all the accused including the petitioner. Thereafter, the complainant party was telephonically informed by co-accused Anil that he along with his accomplices i.e. the co-accused had murdered the deceased. Learned counsel submits that the false implication of the petitioner in the crime in question is evident from the fact that while stepping into the witness box,

none of the material witnesses including the complainant had supported the case of the prosecution, as a result of which they were declared hostile during trial. In support, learned counsel has drawn the attention of this Court to the deposition of the complainant, which has been annexed as Annexure P-8, wherein the factum of the complainant having been declared hostile stands duly reflected. Learned counsel has also submitted that one other material witness i.e. PW-2 Baljinder, nephew of the deceased, had also been declared hostile during trial. Learned counsel has still further argued that since it is a case resting on circumstantial evidence, there was no clear-cut motive brought forth qua the petitioner to participate in the alleged crime. It has thus, been submitted that in the aforementioned facts and circumstances, further incarceration of the petitioner, who has now been in custody since 04.03.2023, would serve no useful purpose as the likelihood of the trial concluding in the near future does not seem probable.

3. *Per contra*, learned State counsel, while opposing the prayer and submissions made by counsel opposite, on instructions, has not disputed that all the material witnesses while stepping into the witness box had not supported the case of the prosecution and had resultantly, been declared hostile.

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

5. The petitioner has been in custody since 04.03.2023 in a case resting on circumstantial evidence. The alleged motive to commit the crime in question was an apprehension in the mind of the accused party that the deceased would transfer his property in the name of his brother and nephews.

6. Be that as it may, all the witnesses including the witness, who spelt out the motive to commit the crime in question, were declared hostile during trial. The possibility of the trial concluding in the near future does not seem possible in view of the fact that 34 prosecution witnesses still remaining to be examined. Hence, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned.

7. 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 17th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No