



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

227

CRM-M-25497-2024

Date of decision: May 31st, 2024

Naveen Kumar

.....Petitioner

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Balraj Gujjar, Advocate
for the petitioner.

Mr. Rajesh Gaur, Additional Advocate General, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

This is a third 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.202 dated 27.09.2021 under Sections 147, 149, 323, 307 and 506 of the Indian Penal Code, 1860 registered at Police Station Jui Kalan, District Bhiwani.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 09.10.2023 in a case of version and cross-version, wherein totally fabricated allegations had been levelled against the petitioner of having inflicted injuries on the opposite side. Learned counsel submits that the petitioner's false implication finds due credence from the fact that while stepping into the witness box, the complainant and all the material witnesses had not supported the case of the prosecution, as a result of which they were all declared hostile by the prosecution. It has been submitted that since all the material witnesses have been examined and have turned hostile, further incarceration of the

petitioner would serve no useful purpose as 17 prosecution witnesses still remain to be examined.

3. *Per contra*, learned State counsel has opposed the prayer and submissions made by counsel opposite, however, he has not been able to dispute that it is a case of version and cross-version and all the material witnesses, while stepping into the witness box, had been declared hostile.

4. Ms. Shweta Bawa, Advocate, has entered appearance on behalf of the complainant and filed her power of attorney, which is taken on record. She has also corroborated the submissions made by the counsel for the petitioner that the complainant and the other material witnesses had not supported the case of the prosecution, as a result of which they had been declared hostile. She submits that she would not thus object to the petitioner being extended the concession of bail.

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

6. The petitioner has been in custody since 09.10.2023. All the six material witnesses including the injured witnesses stand examined and as not disputed by the learned State counsel, were declared hostile during trial. 17 prosecution witnesses still remain to be examined and hence, the possibility of the trial concluding in the near future does not arise.

7. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned.

8. 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.

May 31st, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No