



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. CRM-M No.34731 of 2024

Sumit Kumar @ Sonu

... Petitioner

Versus

State of Haryana

... Respondent

2. CRM-M No.37271 of 2024

Manpreet Singh

... Petitioner

Versus

State of Haryana

... Respondent

Date of decision: 22nd October, 2024

CORAM: HON’BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ashit Malik & Mr. D.V. Dhindsa,
Advocates for the petitioners.

Mr. Gagandeep S. Chhina, Asst. Advocate General, Haryana
for the respondent/State.

Mr. C.S. Singhal, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners in both the petitions detailed hereinabove are seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.42 dated 20.01.2024 under Sections 148, 149, 323, 324, 506 of the IPC (Sections 307, 201 IPC added later on) registered at Police Station Shahbad, District Kurukshetra. Since both these petitions have arisen out

of the same FIR, they are being taken up together for disposal by way of this common order.

2. Learned counsel for the petitioners, at the outset, submit that the petitioners' false implication in the present case is evident from the fact that while stepping into the witness box as PW-12, the complainant, who was allegedly inflicted injuries by the petitioners, had not supported the case of the prosecution, as a result of which he was declared hostile. It has been further submitted that the injuries attributed to the petitioners were opined to be simple in nature. Learned counsel have submitted that in the aforementioned facts and circumstances, since all the material witnesses stand examined and did not support the case of the prosecution, further incarceration of the petitioners, who have been in custody since 08.04.2024, would serve no useful purpose, as 3 prosecution witnesses still remain to be examined. A prayer has therefore, been made for extending the concession of bail to the petitioners.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not disputed the submissions of the learned counsel for the petitioners qua the complainant having been declared hostile during trial. Learned State counsel has also not disputed the stage of trial as well as the custody period of the petitioners.

4. Learned counsel for the complainant has also not disputed that the complainant had been declared hostile during trial.

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

6. The petitioners have now been in custody since 08.04.2024. The sole material witness in the instant case, i.e. the complainant, who was allegedly inflicted injuries by the petitioners, has already been declared hostile during trial. In the facts and circumstances, as enumerated hereinabove, this Court, thus, deems it fit to extend the concession of bail to the petitioners. Both the petitions as such are allowed and the petitioners are admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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.

(MANJARI NEHRU KAUL)
JUDGE

October 22, 2024
rps

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