

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

107

CRM-M-35547-2024

Date of Decision : December 05, 2024

AJMAL

-PETITIONER

V/S

STATE OF HARYANA

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Rajesh Khandelwal, Advocate
for the petitioner.

Mr. Rajesh Gaur, Addl. A.G., Haryana.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, the petitioner craves for indulgence of this Court for him being enlarged on regular bail, in case FIR No.212 dated 18.04.2023, under Sections 147, 148, 149, 323, 506 of the IPC (Sections 216, 308, 323 and 325 of the IPC added subsequently), registered at P.S. Shri Adampur, District Hisar.
2. The Co-ordinate Bench of this Court, through drawing the order dated 25.09.2024, had granted interim bail to the petitioner. Thereafter, in deference to the directions issued by this Court on 18.11.2024, the petitioner surrendered on 29.11.2024 and now he is behind the bars.
3. The principal argument of the learned counsel for the petitioner is clothed in the fact that, the complainant has not supported the case of the prosecution while deposing before the learned trial Court, rather has turned hostile.
4. The learned counsel for the petitioner further submits that, petitioner's co-accused Jagdish @ Jonty, Anoop, Rahul Singh @ Rahul Pandit,

against whom allegations alike to the one levelled against the petitioner are voiced, have already been granted the concession of bail by the Co-ordinate Bench of this Court, therefore, since the petitioner is on a co-equal pedestal as his co-accused (*supra*), hence he also deserves the concession of regular bail.

5. Finally, the learned counsel for the petitioner submits that, there is no likelihood of the trial concluding any time soon, inasmuch as, out of total 15 prosecution witnesses, only 06 witnesses have been examined so far, therefore, no fruitful purpose would be served by keeping the petitioner behind the bars, who has already suffered incarceration of approx. 01 year and 03 months.

6. The learned State counsel has placed on record custody certificate of the petitioner, and, he opposes the grant of bail to the petitioner, on the ground that, he along with his co-accused has caused injuries to the complainant and tried to kill him.

7. Although the learned State counsel has opposed the grant of bail to the petitioner, however, he is not in a position to dispute the aforesaid fact that the complainant has turned hostile. Moreover, on instructions imparted to him by the official concerned, he has verified that out of total 15 prosecution witnesses, only 06 witnesses have been examined so far.

8. The custody certificate of the petitioner reveals that, the petitioner has suffered incarceration of 01 year, 03 months and 10 days till 03.10.2024. Moreover, although the petitioner is stated in the custody certificate to be involved in two more cases, however, he is on bail therein.

9. Although there are specific allegations against the petitioner that,

he along with his co-accused inflicted injuries upon the complainant, which attracted the provision of Section 308 of the IPC, however, it is also not under dispute that the complainant has not supported the prosecution’s case and has turned hostile.

10. In view of the above, especially: (i) the complainant making exculpatory deposition in respect of the petitioner; (ii) the period of incarceration suffered by the petitioner; (iii) there being no likelihood of the trial concluding anytime soon, inasmuch as, out of total 15 prosecution witnesses, only 06 witnesses have been examined so far; (iv) petitioner’s co-accused (supra) becoming granted the relief of bail by the Co-ordinate Bench of this Court; this Court deems it appropriate to grant the concession of regular bail to the petitioner. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

11. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

December 05, 2024
devinder

Whether speaking/reasoned

Whether Reportable

:

:

Yes/No

Yes/No

(KULDEEP TIWARI)
JUDGE