



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-36714-2024

Date of Decision:-06.08.2024

Naresh.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Pardeep Panwar, Advocate for the Petitioner.

Mr. Deepak Grewal, Deputy Advocate General, Haryana.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.158 dated 04.03.2023 under Section 323, 324, 307, 302, 34, 120-B IPC and Section 25 of the Arms Act registered at Police Station City Ballabgarh, Faridabad.

2. The present FIR came to be registered at the instance of Sanju @ Ritik who stated that the petitioner and his co-accused committed the murder of his father Subash and had caused injuries to Vaibhav and Raja.

3. The Counsel for the petitioner contends that the complainant Sanju @ Ritik has been examined as PW-2, Raja son of Naveen Kumar Jha has been examined as PW-3 and Vaibhav son of Raj Dev Singh has been examined as PW-4. None of these three witnesses have supported the prosecution case having turned hostile. As the petitioner was in custody



since 04.03.2023, material witnesses had turned hostile, the further incarceration of the petitioner was not required.

4. The Counsel for the State on the other hand contends that though the witnesses had turned hostile, the nature of the allegations did not entitle the petitioner and his co-accused to the grant of bail. He however, concedes that the petitioner was in custody since 04.03.2023 and that only 04 of the 29 Pws had been examined so far.

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

6. Admittedly, the three material witnesses have turned hostile. Whether the remaining evidence is sufficient to fix liability upon the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. The petitioner is stated to be in custody since 04.03.2023 but as many as 25 more witnesses remain to be examined. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation the further incarceration of the petitioner is not required.

9. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Naresh** son of Sh. Rishpal is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 06, 2024
Vinay