

2024:PHHC:136489



206/2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-2679-2024
DECIDED ON: 18.10.2024

GOLU @ MITTHAL
.....APPELLANT

VERSUS

STATE OF HARYANA AND ANR.
.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Prashant Singh Chauhan, Advocate
for the appellant through VC.

Mr. Chetan Sharma, DAG Haryana.

Mr. Vishal Walia, Advocate for
Mr. Vishal Thakur, Advocate for the complainant.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The present appeal has been preferred against the impugned order dated 18.07.2024 passed by Id. Additional Sessions Judge, Rewari, whereby the regular bail application of the present appellant has been dismissed in FIR No.129 dated 13.06.2022 under Sections 148, 149, 302, 323 of IPC, 1860 and Section 3 of SC & ST (Prevention of Atrocities) Act, 1989 (Amendment 2015) Section 325, 120-

B, 201 of IPC were added later on) registered at Police Station Rampura, District Rewari.

2. **Contentions**

On behalf of the appellant

Learned counsel for the appellant relies upon the deposition of PW3 an eye witness, who has turned hostile and in fact learned counsel for the complainant, who is present in Court at the outset submits that he has no objection in case the appellant is admitted on regular bail.

On behalf of the State

Learned State counsel has filed the custody certificate, which is taken on record. He does not controvert the fact that one of the prime witness has turned hostile.

3. **Analysis**

Heard the counsel for both the parties.

Considering the submissions made by learned counsel for the appellant as well as counsel for the complainant, wherein the eye witness has turned hostile therefore in every probability the appellant would gain acquittal in the present case added with the fact that conclusion of trial shall take sufficient time, as after framing of charges on 12.01.2023 only 11 witnesses have examined out of total 24, therefore, no useful purpose would be served by keeping the appellant behind bars, wherein “*bail is a rule and jail is an exception*” and it would also violate the principle of right to speedy trial and expeditious disposal under Article 21 of Constitution of India, as has been time and again discussed by this Court, while relying upon the judgment of the Apex Court passed in ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131.***

4. DECISION:

In view of the discussions made hereinabove, the petitioner is hereby directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

In the afore-said terms, the present petition is hereby allowed.

However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

18.10.2024

Meenu

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>