

CRA-S-2570-2023 and
other connected cases

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRA-S-2570-2023

Manish

..... Appellant

Versus

State of Haryana and another

.....Respondents

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CRA-S-2595-2023

Karambir

....Appellant

Versus

State of Haryana and another

...Respondents

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CRA-S-2762-2023

Manoj Kumar

....Appellant

Versus

State of Haryana and another

...Respondents

Date of decision: 12.08.2024

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Sandeep Kotla, Advocate (in CRA-S-2570-2023)
Mr. Sukesh Kumar Jindal, Advocate (in CRA-S-2595-2023)
Mr. Pawan Kumar Hooda, Advocate (in CRA-S-2762-2023)
for the appellant(s).
Mr. Tanuj Sharma, AAG, Haryana.

Ms. Sonia Bohat, Advocate
for the complainant/respondent No.2.

Rajesh Bhardwaj, J. (ORAL)

By this common order I intend to dispose of abovesaid three

appeals as they have arisen out of the same FIR.



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Status report by way of affidavit of Mr. Narender Singh, HPS, Deputy Superintendent of Police, Samalkha, Panipat filed by learned State counsel in CRA-S-2570-2023 and CRA-S-2595-2023 are taken on record.

It has been submitted by counsel for the appellants that the appellants were falsely implicated in these cases. They have submitted that though the appellants are named in the FIR however, during the trial all the material witnesses were examined by the trial Court. It is submitted that the complainant has not supported the case of the prosecution. It is thus, submitted that all the material witnesses stand examined and once they do not support the case of the prosecution, further incarceration of the appellants is totally unwarranted. They have submitted that the appellants are already on interim bail granted by this Court vide order dated 28.02.2024.

Learned counsel for complainant/respondent No.2 has submitted that the name of the appellants had been mentioned in the FIR under the misconception and hence, the complainant and other witnesses have not supported the case of the prosecution. She submits that the complainant has no objection if the appellants are granted bail.

Per contra, learned State counsel has vehemently opposed the submissions made by counsel for the appellants. He submits that name of the appellants have been duly mentioned in the FIR and this being an eyewitness account, their complicity was duly established and hence, they are not entitled to be released on bail. However, he submits that even though the material witnesses have not supported the case of the prosecution, that



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would not adversely affect the case of the prosecution as there is ample evidence against the appellants. He submits that out of 35 prosecution witnesses, 08 witnesses have been examined till date. It is submitted that though appellant-Manish was involved in one another FIR, however he has been acquitted in the said case.

Heard. On hearing counsel for the parties and perusing the record, it is apparent that the material witnesses already stand examined and they have not supported the case of the prosecution. Though the appellant-Manish was involved in another case as well, however, he has been acquitted in the same. Out of 35 prosecution witnesses, 08 witnesses have been examined. There is nothing on record to show that the appellants have misused the concession of interim bail granted to them vide order dated 28.02.2024.

The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficiently long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the appellants succeed in making out a case for grant of regular bail. Accordingly, interim bail granted vide order dated 28.02.2024 in all the three petitions is made absolute and the appellants are ordered to be released on bail during trial of the case.

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Nothing said herein shall be treated as an expression of opinion
on the merits of the case.

Appeals stand allowed.

Photocopy of this order be placed on the files of connected
cases.

12.08.2024
m.sharma

(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No