

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

217

CRM-M-46909-2023

Date of decision: 14.03.2024

Pankaj

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sanchit Punia, Advocate for the petitioner.

Ms. Trishanjali Sharma, DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.189 dated 25.06.2023 under Sections 427, 436, 120 B and 34 of the IPC registered at Police Station Uklana, District Hisar.

2. Learned counsel for the petitioner inter alia contends that the false implication of the petitioner in the instant case finds due credence from the fact that the complainant while stepping into the witness box as PW4, did not support the case of the prosecution as a result of which he was declared hostile. In support, learned counsel has placed on record a photocopy of the deposition of the complainant. Learned counsel has submitted that even PW5 Satbir, another material witness, while stepping into the witness box, had failed to identify the petitioner and had categorically stated that he had not seen any person setting the liquor vend on fire. Learned counsel submits that in the abovementioned facts and circumstances, further incarceration of the petitioner who has now been in custody since 01.07.2023, would serve no useful purpose as prosecution evidence is still underway and

unlikely to conclude in the near future.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions, has not disputed that the complainant had been declared hostile during trial and even PW5 Satbir had categorically stated that had not seen any persons much less the petitioner setting the liquor vend on fire. However, she submits that there was CCTV footage wherein the petitioner was clearly visible near the liquor vend.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The two material witnesses did not support the case of the prosecution during trial and were declared hostile. 05 prosecution witnesses still remain to be examined. In the facts and circumstances as enumerated hereinabove, further incarceration of the petitioner would serve no useful purpose as the trial would take considerable time to conclude. This Court, therefore, deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. 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.

14.03.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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