

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-48417-2023
Date of decision: 12.02.2024

ANKUSHPETITIONER

VERSUS

STATE OF HARYANARESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Ravinder Chaudhary, Advocate for the petitioner.
Mr. Vishal Malik, Deputy Advocate General, Haryana.

SANJIV BERRY, J.(ORAL)

1. By way of present petition filed under Section 439 Cr.P.C, the petitioner seeks regular bail in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Sections	Police Station
650	16.11.2021	307, 387, 34 of IPC and 25 of Arms Act.	Pundri, District Kaithal, Haryana.

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner has been falsely implicated in this case and has no concern with the alleged occurrence. He contends that the petitioner is in custody since 18.11.2021 and his innocence is even established during the course of trial as the material witnesses of the case namely Prateek Nagpal and Ramesh Kumar, who happen to be the complainant and eye witness to the occurrence, have not lent any support to the case of prosecution and has referred to their testimonies as Annexure P-7 and Annexure P-8 respectively. He further submitted that

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the entire case of the prosecution is based on the testimonies of these material witnesses and since they have not identified the petitioner, there is nothing to connect the petitioner with the alleged offence and as such he prayed for grant of bail to the petitioner.

3. Per contra, learned State counsel referring to the reply submitted by concerned Deputy Superintendent of Police, Kaithal, prayed for dismissal of the bail application considering the nature and gravity of the offence. However, he has not disputed the fact that the material witnesses of the case, who happened to be the complainant and eye witness thereof, have not lent any support to the case of prosecution against the petitioner and have turned hostile. He submits that there is no other witness to the occurrence.

4. After considering the respective submissions and perusing the record, admittedly, the petitioner is in custody since 18.11.2021. It is not disputed that during the course of trial, both the complainant and eye witness of the occurrence have turned hostile and have not supported the case of prosecution. There is no other witness of the occurrence. The disposal of trial will take sufficient long time.

5. Considering the above facts and circumstances, no useful purpose would be served by detaining the petitioner in custody any longer. Consequently, without commenting on the merits of the case, it is observed that no purpose would be served in keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned trial Court concerned, if not required in any other

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case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

12.02.2024

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |