



224 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.45555 of 2024 (O&M)

Date of Decision: 13.11.2024

Narain @ Jonga @ Monu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Dr. Jaiveer Singh Malik, Advocate
for the petitioner.

Mr. Yuvraj Sandilya, AAG Haryana.

Manjari Nehru Kaul, J.(Oral)

1. This is the petition filed by the petitioner seeking concession of regular bail in case FIR No.423 dated 02.09.2023 under Sections 323, 34, 364, 506, 34 IPC and Section 25 of Arms Act registered at Police Station City Bhiwani, Bhiwani.

2. Learned counsel for the petitioner submits that the petitioner being falsely implicated in the present case finds credence from the fact that while stepping into the witness box, the complainant, who was allegedly threatened and thereafter bundled into a car before being taken away by the petitioner and the co-accused, had not supported the case of the prosecution, as a result of which, the complainant had been declared hostile. In support, learned counsel has drawn the attention of this Court to the deposition of the complainant, which has been annexed along with the petition. Learned



counsel submits that in the aforementioned facts and circumstances, moreso, when all the material witnesses, including the complainant have testified and have been declared hostile, his further incarceration would serve no useful purpose as nine prosecution witnesses still remain to be examined.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite has reiterated the allegations leveled against the petitioner in the FIR in question, which has been annexed as Annexure P-1. It has been submitted that the petitioner was specifically named in the FIR in question, although admittedly during trial the complainant had resiled and had been declared hostile. Learned State counsel, on instructions, has not disputed that the petitioner has been in custody since 02.10.2023 and all the material witnesses stand examined.

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

5. It is not disputed by learned Sate counsel that all the material witnesses, including the complainant stand examined and have been declared hostile by the prosecution during the trial. Nine prosecution witnesses still remain to be examined. Hence, the possibility of the trial concluding in the near future looks remote and futuremore no useful purpose would be served in keeping the petitioner in custody.

6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner. 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.

7. 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.

8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

13.11.2024
sandeep

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No