

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

(244)

**2024:PHHC:005893
CRM-M-49367-2023
Date of Decision: 16.01.2024**

Pawan

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present:- Mr. Ravinder Rana, Advocate for petitioner.

Ms. Jasleen Chahal, AAG, Haryana.

MANJARI NEHRU KAUL.J (Oral)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.07 dated 10.01.2023 under Sections 379 A, 201 and 34 IPC (sections 201 & 34 IPC added later on) registered at Police Station Purani Sabzi Mandi, District Rohtak.

2. Learned counsel for the petitioner submits that false implication of the petitioner in the case in hand finds due credence from the fact that while stepping into the witness box, both the material witnesses i.e. PW-1 Rachna and her son PW-2 Mokshit failed to identify the petitioner during trial as a result of which they both were declared hostile. Counsel submits that petitioner has now been in custody since 18.04.2023, however, there is no likelihood of the trial concluding in the near future as 12 prosecution witnesses still remain to be examined. Hence, in the given circumstances, further incarceration of the petitioner would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not been able to controvert that both the material witnesses had failed to support the case of prosecution as a result of which they had been declared hostile.

State counsel has also not disputed that other than PW-1 Rachna and PW-2 Mokshit there are no other material witnesses who remain to be examined.

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

5. The petitioner has now been in custody since 18.04.2023 and there is no likelihood of the trial concluding in the near future as 12 prosecution witnesses remain to be examined.

6. In the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate.

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.

(MANJARI NEHRU KAUL)
JUDGE

16.01.2024

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No