2024:PHHC:134595

227 **IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

CRM-M-47034-2024
Date of Decision: 15.10.2024

Rohit alias Balla …Petitioner

vs.

State of Haryana …Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Vishal Yadav, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

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N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail in case FIR No.730 dated 10.11.2022 registered under Sections 148, 149, 323 & 302 of IPC, at Police Station Sector-8, Faridabad.

2. Learned counsel for the petitioner contends that in the present case, the main allegations have been primarily targetted against Feroz Khan, co-accused, who was having enmity with the complainant and the deceased. Even as per the allegations levelled by the complainant, no specific role has been attributed to the petitioner. Learned counsel has referred to the testimony of PW-1 Yashvir, complainant and submitted that the complainant had not supported the case of the prosecution. Moreover, it is also evident from the testimony of PW-2 Seema wife of Pappu Singh (Annexure P-4) that she had also not fully supported the case of the prosecution. The petitioner was arrested in the present case on 13.11.2022. He further contends that only

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03 witnesses, out of total 28 witnesses, have been examined so far and further custody of the petitioner will not serve any meaningful purpose.

3. On the other hand, status report by way of an affidavit of Assistant Commissioner of Police, Ballabgarh, Faridabad has been filed by learned State counsel in Court today and the same is taken on record. Learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the petitioner. However, she admits that the petitioner is the first offender and the deceased had died due to the injuries suffered by him due to brickbat.

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

5. In the present case, the petitioner was arrested on 13.11.2022 and is in custody since then. The prosecution has already examined three material witnesses and it is apparent from Annexures P-3 and P-4 that PW-1 Yashvir and PW-2 Seema have not fully supported the case of the prosecution. Thus, no purpose will be served by keeping the petitioner behind bars.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

(N.S.SHEKHAWAT)
JUDGE

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

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