

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

CRM-M-55407-2023

Date of Decision:-07.03.2024

Sumit @ Mittu.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Ashish Kumar, Advocate for the Petitioner.

Mr. Kanwar Sanjiv Kumar, Assistant Advocate General,
Haryana.

JASJIT SINGH BEDI, J.(ORAL)

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail in case FIR No.0814 dated 28.12.2021, under Sections 148, 149, 302 IPC and Section 25-54-59 of the Arms Act, registered at Police Station Shivaji Colony, Rohtak.

2. Learned counsel for the petitioner has contended that the complainant, father of the deceased, while deposing as PW-2 and other eye witnesses being co-villagers as PW-3 and PW-4 and uncle of the deceased as PW-5 another co-villager of the deceased as well as PW-6, have not supported the case of the prosecution and turned hostile. Learned counsel has referred to their statements appended with the petition as Annexures P-2 to P-6 to contend that since the star witnesses of the prosecution turned hostile, therefore, no useful purpose would be served in keeping the petitioner behind bars, who is not involved in any other case and is in custody since 28.12.2021, more so when his co-accused, namely, Sumit @ Battu and Adarsh have been granted the concession of regular bail vide order Annexure P-7 & P-8 respectively.

3. Learned State counsel has filed the reply by way of affidavit of

Mr. Vivek Kundu, HPS, Deputy Superintendent of Police, Rohtak in court today, which is taken on record. A copy thereof furnished to learned counsel for the petitioner. Learned State counsel submits that keeping in view the gravity of the offence, the present petition deserves to be dismissed. However, he is not in a position to controvert the submissions made by learned counsel for the petitioner.

4. I have heard learned counsel for the parties and perused the record.
5. Considering the fact that the material witnesses of the prosecution have resiled from their statements and have not supported the prosecution version and the fact that the petitioner is behind bars since 29.12.2021, no useful purpose would be served to further detain him in jail. There is no history of his previous involvement in any other criminal case. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail during the pendency of trial, on his furnishing bail bond and surety bonds to the satisfaction of the trial Court/Duty Magistrate.
6. It is, however, made clear that the petitioner shall not influence the trial in any manner, directly or indirectly.
7. The observations made herein-above shall not be construed as an expression of opinion on the merits of the case.

(JASJIT SINGH BEDI)
JUDGE

March 07, 2024
Vinay

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