

CRM-M-57771-2022 (O & M)

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(209) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-57771-2022 (O & M)
Date of Decision: 08.01.2024

Padam Singh

... Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Vinod Ghai, Sr. Advocate,
with Mr. Arnav Ghai, Advocate and
Mr. Amritpal Singh Maan, Advocate, for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

Mr. J.S. Hooda, Advocate, for the complainant.

JASJIT SINGH BEDI, J.

The prayer in this petition under Section 439 Cr.P.C is for the grant of regular bail to the petitioner in case bearing FIR No.352 dated 25.09.2021 under Sections 149, 148, 302, 201 and 120-B IPC registered at Police Station Hodal, District Palwal.

2. The present FIR came to be registered at the instance of Hetram who stated that his son-Rinku had left the home and had gone to Hodal on 24.09.2021 but did not return back. Later, information was received from Police Station Hodal that Rinku had been murdered. He was satisfied that on account of his enmity with Padam (petitioner), Kamal, Dharam, Vishnu, Satpal, Bobby, Vinay, Tettu, Bhola and others, his son had been murdered.

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During the course of investigation, the petitioner and his co-accused came to be arrested.

3. The learned Senior counsel for the petitioner contends that the complainant-PW-1/Hetram, PW-2/Sonu son of Hetram, PW-3/Hukam Singh, PW-6/Devi Singh and PW-7/Jogender Singh had been examined and had not supported the prosecution case. As the petitioner was in custody since 24.07.2022 and only 23 out of the 36 prosecution witnesses had been examined so far, he was entitled to the concession of bail as the Trial of the present case was not likely to be concluded anytime soon.

4. The learned counsel for the State while referring to the replies dated 01.07.2023 and 21.09.2023 contends that there was evidence in the form of CDRs to establish that the deceased was in touch with the accused. Therefore, the petitioner was not entitled to the concession of bail. He, however, concedes that all the material witnesses had turned hostile, that the petitioner was in custody since 24.07.2022 and that only 23 out of the 36 prosecution witnesses had been examined so far.

5. The learned counsel for the complainant admits the fact that all the material witnesses have turned hostile, that the petitioner is in custody since 24.07.2022 and that only 23 out of the 36 prosecution witnesses have been examined so far.

6. I have heard the learned counsel for the parties.

7. Admittedly, all the material witnesses have not supported the prosecution case and have turned hostile. Whether the remaining evidence

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available on the record is sufficient to establish the guilt of the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. The petitioner is in custody since 24.07.2022 and only 23 of the 36 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Padam Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

January 08, 2024
sukhpreet

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No