

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

CRM-M-57411-2023  
Decided on : 10.01.2024

Sushil ..... Petitioner

Versus

State of Haryana ..... Respondent

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

Present : Mr. Akashdeep Singh, Advocate  
for the petitioner.

Mr. Rahul Mohan, Sr. DAG, Haryana.

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**Manjari Nehru Kaul, J.(Oral)**

1. This is the second petition filed by the petitioner seeking concession of regular bail in case FIR No.252 dated 22.09.2022 under Sections 148, 149, 186, 323, 332, 353 and 506 IPC (Challan under Sections 186, 307, 308, 323, 332, 353, 506, 325 and 34 IPC) registered at Police Station Lakhan Majra District Rohtak.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner allegedly inflicted fist blows on the person of the complainant, however, while stepping into the witness box as PW-1, the complainant had not supported the case of the prosecution as a result of which, he was declared hostile. Learned counsel has further submitted that even PW-2, who was wife of the complainant, who too was allegedly injured in the occurrence in question, had been declared

hostile during trial. In support, learned counsel has produced the deposition of both these material witnesses, which are taken on record subject to all just exceptions. Learned counsel has, thus, submitted that in the aforementioned facts and circumstances, it is evident that a false and fabricated case has been planted upon him. It has also been submitted that since both the material witnesses stand examined, his further incarceration would serve no useful purpose as the trial is unlikely to conclude in the near future in view of the fact that 21 prosecution witnesses still remain to be examined.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions, has not been able to dispute the factum of both the material witnesses having turned hostile during trial. It has also not been disputed that other than the complainant and PW-2 Usha Sharma, there is no other material witness remain to be examined during trial.

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

5. The petitioner has been in custody since 15.11.2022. The trial is unlikely to conclude in the near future as 21 prosecution witnesses still remain to be examined.

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.

10.01.2024  
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(MANJARI NEHRU KAUL)  
JUDGE

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