



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

250

CRM-M-55498-2024
Date of decision: December 9th, 2024

Dinesh
.....Petitioner

Versus

State of Haryana
.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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

Mr. Rahul Mohan, Senior Deputy Advocate General,
Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in FIR No.74 dated 30.06.2023 under Sections 302, 34 of the IPC registered at Police Station Sohna, District Gurugram.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 30.06.2023 in an evident case of false implication. Learned counsel has submitted that the instant case hinges on circumstantial evidence, however, the complainant, who spelt out the motive to commit the murder of his brother while lodging the FIR in question, had categorically deposed during trial that his deceased brother had not left in the company of the petitioner. Learned counsel submits that since the sole material witness i.e. the complainant already stands examined, further incarceration of the petitioner would serve no useful purpose as 18 witnesses still remain to be examined.

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3. Learned State counsel while opposing the prayer and submissions made by the counsel opposite has not disputed the custody period of the petitioner nor has the stage of the trial been disputed; it has not been disputed by the learned State counsel, on instructions, that other than the complainant, there is no other material witness and the complainant, not only stands examined but had been declared hostile during trial. Learned State counsel has, on instructions, however, submitted that the next date fixed before the trial Court is 12.12.2024 when some of the other witnesses are to be examined.

4. On a pointed query, it has not been disputed by the learned State counsel, on instructions, that all the remaining witnesses are formal in nature.

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

6. In the facts and circumstances as enumerated hereinabove, since the sole material witness i.e. the complainant, who also spelt out the motive to commit the crime in question, already stands examined and did not support the case of the prosecution, this Court deems it fit to extend the concession of bail to the petitioner as there can be no apprehension of the petitioner tampering with evidence or intimidating the other witnesses, who concededly are all formal in nature. 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.



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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.

December 9th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No