



of his brother and he has inflicted injury in a fit of rage at the spur of the moment. The FSL report regarding the presence of blood, on the scissors, is still awaited. The complainant and eye witness PW1-Usha has not supported the case of the prosecution and she was declared hostile by learned Public Prosecutor. Similarly, PW2-Balwan was also declared hostile and the petitioner is behind the bars since 16.09.2022.

4. Per contra, learned State counsel, opposes the grant of regular bail to the petitioner on the ground that he has committed a gruesome murder of his own brother and he is involved in 02 more cases. Apart from the testimony of PW1-Usha, there is sufficient material available on record, to prove the complicity of the petitioner, in the alleged murder.

5. Having heard learned counsel for the parties and after perusing the records of the case, it transpires that the petitioner is behind the bars since 16.09.2022. Investigation is complete. The trial of the case is progressing at a snail's pace as out of 16 witnesses cited by the prosecution, only 05 have been examined so far. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioner. Keeping the petitioner in further detention, without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India.

6. Keeping in view the law laid down by the Hon'ble Supreme Court of India in '**Prabhakar Tewari Vs. State of U.P. and another**' 2020 (1) R.C.R. (Criminal 831) and '**Maulana Mohd. Amir Rashadi Vs. State of U.P. and Another**', 2012 (2) SCC 382, the involvement of the petitioner in other cases would not be a ground to refuse grant of concession of regular bail.

7. In view the above, the present petition is allowed. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of

the trial, the petitioner-Prince is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

8. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

February 08, 2024  
*manisha*

(HARPREET SINGH BRAR)  
JUDGE

|      |                           |        |
|------|---------------------------|--------|
| (i)  | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable        | Yes/No |