



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

CRM-M No.21412 of 2024 (O&M)

Date of decision: 17.02.2025

Randhir @ Dhira

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Jitender K. Sehrawat, Advocate for the petitioner.

Mr. Neeraj Sheoran, DAG, Haryana for the respondent.

None for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (*for short* 'Cr.P.C. ') for grant of bail pending trial to the petitioner in FIR No.185 dated 18.06.2023, under Sections 302, 449, 120-B, 148 read with Section 149 of the Indian Penal Code, 1860 (*for short* 'IPC'); Section 25 of the Arms Act, 1959 [Section 27(1) of the Arms Act added; whereas Section 25 of the Arms Act deleted later on], registered at Police Station Uklana, District Hisar.

(2) Above FIR was registered on the basis of statement made by complainant-Kamlesh (wife of deceased-Balwan Singh) with the allegations

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that petitioner, along with other co-accused, hatched a criminal conspiracy to eliminate the deceased and in pursuance thereof, they shot the deceased, who died on the spot due to gunshot injuries, when he was present in his Hotel.

(3) Contended that petitioner is in custody since 04.09.2023 and *de facto* complainant-Kamlesh (wife of deceased) as well as both the eye-witnesses, namely, Pardeep & Manoj Kumar (PW-3 to PW-5, respectively) have turned hostile and no one is supporting the charges against the petitioner. Also contended that apart from present case, no other criminal case is pending against the petitioner. Lastly contended that out of total 32 prosecution witnesses, only 05 have been examined till date; thus, trial is likely to take sufficient long time; hence, further incarceration of the petitioner would not serve any purpose. In support of his contentions, learned Counsel for the petitioner has placed on record copies of testimonies of aforesaid prosecution witnesses and same are taken on record as Mark 'X' (colly.).

(4) *Per contra*, learned State Counsel, on instructions, is not able to dispute that the *de facto* complainant as well as both the eye-witnesses have turned hostile; but he opposed the prayer on the premise that allegations against the petitioner are very serious.

(5) Heard learned Counsel for the parties and perused the paper-book.

(6) As petitioner is in custody since 04.09.2023; no other criminal case is pending against him; *de facto* complainant as well as both the eye-

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witnesses have turned hostile and out of total 32 prosecution witnesses, only 05 have been examined till date; thus, trial is likely to take sufficient long time. Moreover, this is not the objection raised by learned State Counsel that in case petitioner is released on bail, he is likely to hamper the trial or pressurize the prosecution witnesses in any manner. Hence, in such a scenario, further incarceration of the petitioner would not serve any purpose.

(7) Consequently, present petition is allowed. Petitioner be admitted to bail pending trial on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(8) Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.

(9) The above observations may not be construed as an expression of opinion on the merits of the case.

(10) It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

17th February, 2025
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes