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

**CRM-M-48427-2024 (O&M)
Date of decision : 19.03.2025**

Hakku @ Aakub @ Yakub

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Amandeep Saini, Advocate, for
Mr. D.S. Matya, Advocate for the petitioner.

Mr. Neeraj Sheoran, DAG, Haryana assisted by
Assistant Sub Inspector Manoj.

MAHABIR SINGH SINDHU, J.

Present second petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'the BNSS'), for grant of bail pending trial to the petitioner in FIR No.410 dated 04.10.2022, under Sections 120-B and 302 read with Section 34 of Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Punhana, District Nuh.

2. Allegations are that petitioner along with co-accused, in furtherance of their common intention, armed with *lathi*, *danda*, iron rod etc. inflicted injuries on the person of Mubin (since deceased) brother of *de facto* complainant – Jakir, resulting into his death.

3. Contends that petitioner is in custody since 06.10.2022; after investigation, final report under Section 173 of Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') was submitted on 02.01.2023;



charges were framed on 16.03.2023; out of total 19 prosecution witnesses, only 06 witnesses have been examined and petitioner is regularly appearing before learned trial Court. Further contends, trial is likely to take sufficient long time to conclude.

3.1 Also contends that three material prosecution witnesses including eye witnesses, namely, Jakir, Iqbal and Umar (PW1 to PW3 respectively) have turned hostile. They are not supporting the charges levelled against the petitioner.

3.2 Also contends that petitioner was granted interim bail by this Court on 16.10.2024 and he is regularly appearing before learned trial Court.

3.3 Again contends that there is no apprehension that petitioner is likely to influence the prosecution witnesses or hamper the trial, in any manner.

4. Learned State Counsel, on instructions, has fairly acknowledged the above factual position.

5. Heard learned counsel for both the sides and perused the paper book.

6. It is a matter of record that petitioner was granted interim bail by this Court on 16.10.2024 and the order reads as under:-

“Custody certificate dated 15.10.2024 has been produced, which is taken on record. Registry to tag the same at appropriate place.

Contends that petitioner is in custody since 06.10.2022 and all 03 material prosecution witnesses i.e. complainant as well as eye witnesses have turned hostile.



Further contended that there is no other criminal case pending against the petitioner.

Learned State counsel seeks time to have instructions in the matter.

Posted for 16.12.2024.

In the meanwhile, petitioner be released on interim bail in the present case, till the next date of hearing, on furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.”

7. It transpires that material prosecution witnesses i.e. *de facto* complainant - Jakir, Iqbal and Umar (PW1 to PW3 respectively) have not supported the prosecution version and were declared hostile.

8. It is also not in dispute that petitioner remained in custody from 06.10.2022 to 16.10.2024; final report under Section 173 Cr.P.C. was submitted on 02.01.2023, charges were framed on 16.03.2023 and out of total 19 prosecution witnesses, only 06 witnesses have been examined. Learned State counsel is also not able to controvert that after granting interim bail vide order dated 16.10.2024, petitioner has not misused the concession in any manner.

9. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 16.10.2024, is made absolute. Petitioner shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.



10. Petitioner shall appear on each & every date of hearing and to fully co-operate with the learned trial Court without seeking any unnecessary adjournment(s).
11. Above observations be not construed as an expression of opinion on merits of case, in any manner.
12. It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State of Haryana would be at liberty to move an appropriate application for recalling of this order.
- Pending application(s), if any, shall also stand disposed off.

19.03.2025
d.gulati

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No