



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

105+219

CRM-M-53714-2024 (O&M)

Date of decision: 24.03.2025

Avtar Singh @ Tari

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Kuldeep Singh Siwach, Advocate
for the petitioner.

Mr. Rajat Gautam, Addl. A.G. Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-10829-2025

For the reasons mentioned in the application, the same is allowed and copy of statement of PW-1, complainant Chander Sain, is taken on record as Annexure P-11, subject to all just exceptions.

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1. The petitioner in the instant (second) petition is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.334 dated 07.11.2022 under Sections 307, 384, 387, 506 of the IPC and Section 25 (Act No.54) of the Arms Act, 1959 (Sections 452, 212 and 120-B of the IPC added lateron), registered at Police Station City Ratia, District Fatehabad.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 30.11.2022 in a case of false implication. It has been asserted that the petitioner being falsely



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implicated in the present case is discernible from the fact that all the material witnesses including the complainant and the alleged eye witnesses namely Sewak and Ram have not supported the case of the prosecution as a result of which they were declared hostile. In support, learned counsel has drawn the attention of this Court to the deposition of the complainant, which has been annexed as Annexure P-11. It has also been submitted that in the occurrence in question none sustained any injury at the hands of the petitioner although it was alleged that the petitioner had fired two rounds from a country made weapon. Learned counsel has further submitted that since 35 prosecution witnesses still remain to be examined, further incarceration of the petitioner in the given circumstances would serve no useful purpose.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, has neither disputed the custody period of the petitioner nor has he, on instructions, disputed that it is a case of no injury. It has also not been disputed that the complainant while deposing as PW-1 had been declared hostile during trial as he had failed to identify the petitioner as being one of the assailants who had fired towards him with a country made pistol. However, learned State counsel has submitted that the weapon of offence was recovered from the petitioner after he was arrested on 30.11.2022.

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

5. As not disputed the most material witness in the present



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case i.e. the complainant was declared hostile during trial as he failed to identify the petitioner as being one of the assailants who allegedly fired towards him. It is a case of no injury. The material witnesses, including the complainant, already stand examined, hence, further incarceration of the petitioner in the above given circumstances, would serve no useful purpose, moreso when the trial would take considerable time to conclude since 35 prosecution witnesses remain to be examined. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

6. 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. 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.

7. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

24.03.2025

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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