



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

229/1

CRM-M-61727-2024 (O&M)**Date of Decision:17.03.2025**

Sonu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**Present:** Mr. Saurabh Sharma, Advocate for the petitioner.

Mr. Ashok Sehrawat, DAG, Haryana.

MAHABIR SINGH SINDHU, J.

Present second petition has been filed, under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of bail pending trial to the petitioner in FIR No.379 dated 30.08.2022, registered under Sections 302, 427, 506, 148 read with Section 149 of Indian Penal Code, 1860 (for short 'IPC'), at Police Station Sadar Pehowa, District Kurukshetra.

2. Allegations are that petitioner along with other co-accused in prosecution of their common object damaged the service station of *de facto*-complainant and also inflicted injuries on the person of victim-Parvinder @ Gaga, thereby, resulted into his death.

3. Learned State counsel has produced custody certificate dated 16.03.2025, which is taken on record. Registry to do the needful.

4. Contends that petitioner is in custody since 21.09.2022; report under Section 173 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C') was presented on 19.12.2022; charges have been framed by learned



trial Court on 15.02.2023, but out of total 26 prosecution witnesses, only 14 have been examined so far, thus, trial is likely to take sufficient long time. Further contends that material witnesses of the prosecution, namely, Gurjinder Singh, Gopal Kumar, Aman, Sunder Singh and Baljit @ Raju have not supported the case and they were declared hostile.

5. Aforesaid factual position is duly acknowledged by learned State counsel.

6. Heard both sides and perused the paper-book.

7. Concededly, petitioner is in custody since 21.09.2022; report under Section 173 Cr.P.C was presented on 19.12.2022 and charges were framed on 15.02.2023; but out of total 26 prosecution witnesses, only 14 have been examined till date. Material witnesses of the prosecution, namely, Gurjinder Singh, Gopal Kumar, Aman, Sunder Singh and Baljit @ Raju did not support the case. Moreover, it is not the objection raised by the State that in case, petitioner is released on bail, he shall influence the witnesses or hamper the course of trial in any manner; thus, further incarceration of the petitioner would not serve any purpose.

8. Consequently, present petition is allowed; petitioner shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. Petitioner shall appear on each & every date of hearing and to fully co-operate with learned trial Court without seeking any unnecessary adjournment(s).

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

11. It is clarified that in case there is recurrence or 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.

17.03.2025
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

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