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

CRM-M-5625-2015 (O&M)

Date of Decision: March 04, 2015

Ranbir @ Midhu and another

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Ram Niwas Kush, Advocate
for the petitioners.

Mr.R.D.Sharma, DAG, Haryana.

Mr.S.N.Yadav, Advocate
for the informant.

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Naresh Kumar Sanghi, J.(Oral)

Prayer in this petition, filed under Section 439, Cr.P.C.,
is for grant of regular bail to the petitioners, Randhir @ Midhu
and Rajender, who have been booked for having committed the
offence punishable under Section 306 read with Section 34, IPC,
in a case arising out of FIR No.462, dated 19.12.2013, registered
at Police Station, Bhuna, District Fatehabad.

Learned counsel contends that it is the second petition
seeking the similar prayer. The earlier petition was dismissed as

withdrawn with the liberty to the petitioners to file fresh one before the learned trial Court in view of the changed circumstances. Learned counsel further contends that all the material prosecution witnesses have already been examined and, as such, if the petitioners are granted bail in that eventuality they will not be in a position to put pressure on the witnesses; the petitioners are inside the jail for quite a long time; the applicability of Section 306, IPC, would be a moot point during trial and that there is tendency in the family of Sunny (since deceased) to commit suicide. To elaborate his submissions he has pointed out that the grand-father, the parents and the uncle of Sunny (since deceased) had committed suicide.

Learned counsel for the State assisted by Mr.S.N.Yadav, learned counsel for the Informant have vehemently opposed the grant of bail on the premise that only two more prosecution witnesses are to be examined and, as such, the trial would conclude in near future. It has also been pointed out that the material witnesses have supported the prosecution case.

Learned counsel for the Informant has further submitted that petitioner No.2-Rajender could not be arrested for

approximately four months after registration of the case and he along with his two more accused threatened the Informant side and for the subsequent incident the matter was reported to the police.

I have heard the learned counsel for the parties and with their able assistance gone through the material available on record.

It is the conceded position that the material witnesses have already been examined and, as such, the petitioners would not be in a position to put influence on them (prosecution witnesses). It has also not been denied that the grand-father, the parents and the uncle of Sunny (since deceased) had also committed suicide. The alleged motive for instigation to commit suicide by Sunny (since deceased) was that the compensation received by Sunny on account of the acquisition of the land was embezzled by the petitioners and other family members.

Without commenting on the applicability of Section 306, IPC, at this stage, the present petition is allowed. Petitioners-Ranbir @ Midhu and Rajender, both sons of Nathu Ram, residents of village Gorakhpur, Tehsil and District Fatehabad, are ordered to be released on bail during pendency

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of the trial of the present case subject to their furnishing bail bonds to the satisfaction of learned Chief Judicial Magistrate/ Duty Magistrate, Fatehabad.

March 04, 2015
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(NARESH KUMAR SANGHI)
JUDGE