

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

CRM-M-48453-2018 (O&M)

Date of decision:04.12.2018

Kulwant @ Kali and another

.....Petitioners

versus

State of Haryana

....Respondent

CORAM: Hon'ble Mr. Justice Kuldip Singh

Present: Mr. Amit Choudhary, Advocate for the petitioners.

Mr. Sandeep Vashisth, DAG, Haryana.

Kuldip Singh, J. (Oral)

The petitioners have filed this petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.0004 dated 02.01.2018 under Sections 302, 34 IPC, 1860 and Section 3 of SC & ST (Prevention of Atrocities) Act 1989, registered at Police Station Ratia, District Fatehabad.

Heard.

Allegations against the petitioners are that on the suspicion of theft of paddy, they beat up Baldev Singh. As a result of which, he died. The case was registered on the statement of Satnam Singh-brother of the deceased. Suresh Kumar is also stated to be eye witness of the occurrence.

Petitioners were arrested on 05.01.2018 and are in custody since then.

Learned counsel for the petitioners has annexed the copies of statement of Satnam Singh, Suresh Kumar and Mahender Singh, which

shows that they have turned hostile before the trial Court.

On instructions from police official, learned State counsel states that no other eye witness is to be examined. Though, some other witnesses remained to be examined.

Considering the fact that the complainant and eye witnesses have not supported the prosecution case, without commenting on the merits of the case, there is no ground for further detention of the petitioners. Accordingly, the present petition is allowed and the petitioners are ordered to be released on bail on their furnishing personal bonds in the sum of Rs. One lac each with one surety of the like amount each to the satisfaction of the trial Court, subject to the following conditions:-

- (1) Petitioners shall surrender their passport before the trial Court, if any, and shall not leave the country without prior intimation to the Court;
- (2) Petitioners shall not directly or indirectly give any inducement or threat or promise to any witness and
- (3) Petitioners shall attend the Court on each and every date of hearing before the trial Court and in case of his absence, trial Court shall be competent to cancel his bail.

Accordingly, the petition stands allowed.

(KULDIP SINGH)
JUDGE

04.12.2018
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Whether speaking/ reasoned:	Yes
Whether Reportable:	No