

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

**CRM-M-15500-2019  
Date of decision: 25.09.2019**

**Deepak****...Petitioner**

**Versus**

**State of Haryana****...Respondent****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Ms. Suman Sagar, Advocate  
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

**ARVIND SINGH SANGWAN, J. (Oral)**

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 380 dated 21.04.2018, registered under Sections 302, 323, 325, 452, 506, 147, 148 and 149 of the IPC at Police Station Sadar Hisar, District Hisar.

Learned counsel for the petitioner submits that as per the allegations in the FIR, registered at the instance of complainant Vijender Singh s/o Rameshwar, it is stated that on 20.04.2018, he, along with his mother Savitri, was installing a water tap in the street and his aunt objected to the same and stopped them from installing the water tap and on that account, an altercation took place between them. Later on, when the complainant, along with his mother Savitri and father Ramehswar, was sitting in his house, Surender, Raju, Deepak, sons of Balwant, Meena wife of Balwant and Leela came there armed with wooden planks and caused injuries to complainant and his parents. Later on, father of the complainant,

namely Rameshwar, died.

Learned counsel for the petitioner submits that the petitioner is in judicial custody since 30.06.2018 and both the victims/eye-witnesses, i.e. complainant Vijender Singh and his mother Savitri, have been examined as PW-1 and PW-2, respectively.

Learned counsel for the petitioner further submits that PW-1 complainant Vijender Singh has stated that some unknown persons with muffled face came to their house and caused injuries to them and he could not see the faces of the accused persons because it was dark. This witness further stated that the accused persons present in the Court are not the persons who caused injuries to them. This witness was declared hostile and during the course of cross-examination by the public prosecutor, he even denied that he made any statement before the police nominating the accused persons.

Learned counsel for the petitioner further submits that similarly, PW-2 Savitri, wife of deceased Rameshwar, also stated that accused persons present in Court are not the persons who caused injuries to them. This witness was also declared hostile and in the cross-examination by the public prosecutor, she also denied that she had made any statement before the police nominating the accused persons.

Learned counsel for the petitioner further submits that since both the victims/eye-witnesses have resiled from their statement, there is no possibility that the petitioner, if granted concession of regular bail, will tamper with the evidence as only official witnesses are left to be examined.

Learned counsel for the petitioner further submits that the petitioner is not involved in any other case and two of the co-accused

namely Meena and Satyawan have already been granted concession of regular bail.

Learned State counsel, on instructions from ASI Rajesh Kumar, has not disputed the factual position.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in judicial custody since 30.06.2018 and also in view of the fact that both the victims/eye-witnesses have not supported the prosecution version, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

25.09.2019

*Waseem Ansari*

(ARVIND SINGH SANGWAN)  
JUDGE

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*