

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-46012-2018 (O&M)
Date of Decision:-8.4.2019

Gitesh and another

... Petitioners

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Anil Kumar Sharma, Advocate for the petitioners.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana.

GURVINDER SINGH GILL, J.(Oral)

The petitioners seek grant of regular bail in a case registered vide FIR No.112 dated 29.1.2018, Police Station Chandni Bagh, Panipat under Sections 302,379-B, 34 of Indian Penal Code, 1860.

The FIR was lodged at the instance of Rakesh Kumar, wherein it has been alleged that he is working in Jain Factory, Panipat and that his uncle Nane Singh is working in RM Factory, Panipat and is residing along with his family in a rented accommodation at Vidya Nand Colony, Panipat.

It is alleged that on 28.1.2018 at about 8/8.30 P.M his friend Upinder informed him that some unknown boys had caused injuries to his uncle and who has been taken to hospital. It is alleged that later since the condition of Nane Singh was deteriorating, he was taken to Civil Hospital but he succumbed to his injuries. It is further the case of the prosecution that subsequently Khempal informed him that on 28.1.2018 at about 8/8.30 P.M when he alongwith his friends Raghunanan, Rajesh and Durgpal were going to their factory, some unknown boys attacked them with sticks and when they raised alarm, Nane Singh came at the spot but the said boys caused injuries to him and that the said boys also snatched a mobile and Rs. 5,000/- from the complainant.

The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and falsity of the case would be evident from the fact that all the alleged eye-witnesses namely, PW1 Khempal, PW2 Durgpal, PW3 Rajesh and PW4 Raghunandan did not identify the accused when they stepped into witness box.

It has also been submitted that although it is also the case of the prosecution that one Dilshad had made extra judicial confession, but even the said witness resiled from his statement when he stepped into witness box and in these circumstances, there is no evidence to connect the petitioners with the offences alleged.

Opposing the petition, the learned State counsel has submitted that since the petitioners are specifically named, no case for grant of bail is made out.

Having considered rival submissions addressed before this Court and bearing in mind the fact that the petitioners have been behind bars since the last about 1 year and that all the material witnesses including the eye-witnesses have resiled, in my opinion, no useful purpose would be served by further detaining the petitioners behind bars. The petition, as such, is accepted and the petitioners are ordered to be released on bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

The present petition stands accepted accordingly.

8.4.2019

rakesh

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No