

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

**CRM-M No.23498 of 2019
Decided on: 14.10.2019**

Baljeet

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. V.P. Sangwan, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.0292 dated 24.12.2018, for offence punishable under Sections 307 of the Indian Penal Code (in short 'IPC') (Section 302 IPC added later) registered at Police Station Siwani Bhiwani, District Bhiwani.

Counsel for the petitioner has submitted that as per the allegations in the FIR, registered on the statement of Sonu, son of the deceased – Ram Kumar, it is stated that his father was selling groundnuts near the New Bus-stand and he used to help his father. On 23.12.2018, when his father had gone to purchase bidi from a shop, the petitioner – Baljeet came there and started quarreling with his father and thereafter, his father returned back and in the meantime, the petitioner came at the spot and gave fist blows to the father of the complainant and when the complainant intervened, the petitioner boarded his Pick-up van and struck the same against the father of the

complainant with intention to kill him. Thereafter, he was shifted to the hospital where he succumbed to the injuries sustained by him. It is further submitted that the petitioner is in custody for the last 09 months and all the material witnesses have been examined before the trial Court.

Counsel for the petitioner has relied upon the statement of PW2 – Dayanand, an eye-witness, who has stated that he do not know anything about the case. Thereafter, this witness was declared hostile and in the cross-examination, he even denied the suggestion given to him regarding the statement made by him before the police.

Counsel for the petitioner has further relied upon the statement of PW4 – Sonu son of the deceased – Ram Kumar, the complainant, who has also given a different version while appearing as a witness by stating that some unknown vehicle in a rash and negligent manner struck against his father and as a result of which, his father has died. In the cross-examination, this witness has also denied the suggestion put to him that he has given the supplementary statement Ex.P5 to the police regarding this case.

Counsel for the petitioner has also relied upon the statement of PW5 – Kuldeep, another son of the deceased – Ram Kumar, who has also not supported the prosecution version. It is further argued that all the material witnesses have already been examined and only the official witnesses remain to be examined and there is no possibility of tampering with the prosecution evidence.

Counsel for the State, on instructions from ASI Krishan, has not disputed the factual position but opposed the prayer for bail.

Counsel for the State has also not disputed the fact that the petitioner is in custody since 27.12.2018 and the eye-witnesses have not supported the prosecution version.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody since 27.12.2018; all the material witnesses have been examined before the trial Court and also in view of the fact that PW2 – Dayanand, PW4 – Sonu and PW5 – Kuldeep have not supported the prosecution version and conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

14.10.2019
yakub

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