

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 10.02.2020

1. CRM-M-482-2020 (O&M)

Karambir

... Petitioner

Vs.

State of Haryana

... Respondent

2. CRM-M-3071-2020 (O&M)

Dharam Singh

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Parveen Sharma, Advocate
for the petitioner (in both cases).

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail to petitioners Karambir and Dharam Singh, in FIR No.276 dated 26.06.2018 under Sections 323, 34, 506 IPC and Section 302 IPC (added subsequently), registered at Police Station Rai, District Sonipat.

Learned counsel for the petitioners submits that as per allegations in the FIR, on 20.06.2018, both the petitioners, who are father and son, gave

lathi blows on the back of deceased Ramesh, as a result of which, he fell down and became unconscious and was taken to PGIMS, Rohtak, where he died on 06.07.2018. It is further submitted that the FIR was registered after a delay of 06 days on 26.06.2018.

Learned counsel for the petitioners further submits that complainant's wife Kamla appeared as PW2 and stated that her husband has sustained injuries due to a fall in the street, in her presence and he was taken to PGIMS, Rohtak, where he died. She further stated that accused persons present in the Court never inflicted injuries to her husband and in fact, no one had inflicted injuries to her husband and she never gave any statement regarding the accused persons to the police. This witness was declared hostile and in cross-examination by the Public Prosecutor, she even denied her statement Ex.PW2/A made to the police. Thereafter, the trial Court recorded statements of PW3 Rohtash, PW4 Nirmala wife of Naresh Kumar, PW5 Vikas son of Naresh Kumar, PW6 Paramjeet son of Naresh and PW7 Dayanand son of Zile Singh and all of them were declared hostile, because they have not supported the prosecution version. These witnesses are directly related to deceased Ramesh, as they are either his nephews or brothers-in-law. In cross-examination, all these witnesses have denied having made any statement to the police in this regard. It is thus submitted that all the material witnesses have already been examined and none of them have supported the prosecution version.

Learned counsel for the petitioners has further submitted that both the petitioners are in custody for the last more than 07 months and they are not involved in any other case and there is no possibility of tempering with evidence at this stage.

Learned State counsel has filed the status report by way of affidavit of the Investigating Officer/SI Shamsher Singh, Police Station Rai, Sonipat in the Court today, in which it is stated that FIR was registered on the statement of complainant Ramesh, in which he had alleged that Dharam Singh and his son Lalu @ Karambir have given lathi blows on his back, as a result of which, he fell down and was taken to the hospital. It is also stated that as per opinion of the Medical Board, the cause of death is due to injuries described in the post-mortem report.

Learned State counsel, on instructions from SI Shamsher Singh, has submitted that out of total 24 prosecution witnesses, 07 PWs have already been examined and has not disputed the fact that all the private witnesses i.e. PW2 to PW7 have not supported the prosecution version in any manner.

Without commenting anything on merits of the case, considering the fact that none of the prosecution witness have supported the prosecution version and therefore, there is possibility of tempering with the prosecution evidence, both these petitions are allowed and petitioners Karambir and Dharam Singh are directed to be released on regular bail subject to furnishing their bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petitions stand disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

10.02.2020
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No