

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

CRM-M-7786-2020 (O&M)
Date of decision: **5.10.2020**

VIJAY KUMAR

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Kartar Singh, Advocate
for the petitioner.

Mr. Amrik Singh Narwal, DAG, Haryana.

(Proceedings conducted through video conferencing).

GURVINDER SINGH GILL, J. (ORAL)

CRM-22555-2020

Allowed as prayed for subject to all just exceptions.

Main Case

1. The petitioner seeks grant of regular bail in a case registered vide FIR No.410 dated 9.8.2018 under Sections 302/460/34 IPC at Police Station Sadar Ratia, District Fatehabad.
2. The FIR in question was lodged at the instance of Subhash Chander wherein he has stated that his brother Nand Lal used to work as night Watchman in a factory of Toffies at Ratia and that on 9.8.2018 at about 7 a.m., the factory owner Rajender Kumar informed him that complainant's

brother Nand Lal had been killed by some unknown assailants after tying his hands and legs. Upon receipt of said information, the complainant accompanied by his nephew Sonu and his cousin Fateh Chand reached the factory where his brother was working and saw that the dead-body of his brother was lying, whose hands and legs had been tied. The complainant suspected that some unknown persons had entered the factory premises for the purpose of committing theft and had killed Nand Lal, who was working as a Watchman in the factory.

3. The learned counsel for the petitioner has submitted that he is not named in the FIR and that it was after about 8 months of the occurrence that statement of Shalu Rani, daughter of the deceased, was recorded on 28.3.2019 wherein she stated that Jaspal Singh @ Gairi used to harass her father and used to tell her father not to continue with the job of Chowkidar. The learned counsel has further submitted that thereafter the petitioner-Vijay Kumar aforesaid Jaspal Singh @ Gairi, Sajjan Singh, and Vinod Kumar @ Majnu were arrested on 8.4.2019 and since then the petitioner is in custody. Learned counsel has further submitted that the petitioner is entitled for grant of bail on the ground of parity as co-accused Buta Singh, Kewal Deep and Vinod Kumar @ Majnu have already been granted concession of bail vide order dated 4.9.2020 passed by this Court.

4. Opposing the petition, the learned State counsel has submitted that keeping in view the nature and gravity of offence, no case for grant of bail is made out. The learned State counsel, upon instructions from ASI Satpal has, however, informed that the petitioner has been behind bars since last

more than 1 ½ years and that he is not wanted in in any other case.

5. I have considered rival submissions addressed before this Court.
6. It is a case of blind murder wherein none had seen any of the accused.

The petitioner, in any case, is sought to be nominated on the basis of disclosure statements made by the co-accused, who came to be arrested after 9 months of the occurrence and that too after recording of statement of daughter of the deceased on 28.3.2019. The veracity and admissibility of such statement would certainly be debatable. In any case, since the petitioner is not even stated to be involved in any other case, his further detention would not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

5.10.2020
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**