

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

CRM-M-16006-2020 (O&M)
Date of Decision:-15.7.2020

Talwinder Singh ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. K.P.S. Virk, Advocate for the petitioner.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana.

Mr. S.S. Sidhu, Advocate for the complainant.

*(the aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in Virtual Court)*

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.121 dated 2.6.2019 at Police Station Kalanwali, District Sirsa under Sections 147, 149, 302 and 120-B of Indian Penal Code and Section 25 of Arms Act.
2. The FIR was lodged at the instance of Harjinder Singh, wherein it is alleged that on 2.6.2019 at about 7:30 AM when he was present in his fields, his uncle Shiv Karan Singh @ Nikka and two of his children were also present. Around that time Dalbir Singh, Raghubir Singh, Sukhwant Singh, Amandeep Singh and Jaswant Singh, who were all known to him, came there. It is

alleged that Dalbir Singh and Sukhwant Singh were armed with pistols and the remaining three were carrying sticks. Dalbir Singh and Sukhwant Singh are alleged to have fired with their pistols on complainant's uncle while the remaining three persons caused injuries to him with their sticks. Said Shiv Karan Singh @ Nikka is stated to have expired at the spot. It is further alleged therein that Darshan Singh was the main conspirator behind the said occurrence as they were having litigation with respect to agricultural land and a large number of cases were pending against him.

3. The learned counsel for the petitioner has submitted that the petitioner is not named in the FIR and has been nominated as an accused on the basis of alleged disclosure statement made by co-accused. It has further been submitted that the petitioner has falsely been implicated as he happens to be son of Darshan Singh, with whom the deceased was having litigation.
4. Opposing the petition, the learned State counsel assisted by the learned counsel for the complainant, has submitted that since the co-accused have specifically nominated the petitioner as one of the conspirator and that as per the disclosure statement he was present in the house of Darshan Singh i.e. of his father when the conspiracy was hatched, therefore, his complicity is clearly evident. It has further been submitted by the learned State counsel that the petitioner has also been involved in five other cases and that, as such, his antecedents do not warrant taking any lenient view in the matter.
5. I have considered rival submissions addressed before this Court.
6. It is not disputed that the petitioner was not present at the spot and is not amongst the assailants. The only evidence against the petitioner is the disclosure statements allegedly made by co-accused, the veracity and

authenticity of which is yet to be tested during the course of trial. The petitioner is in custody since the last more than one year. In these circumstances, this Court is of the opinion that further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and it is ordered that the petitioner be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

15.7.2020

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No