

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

CRM-M-23994-2020 (O&M)

Date of Decision:- 2.9.2020

Buta Singh @ Fufad and another ... Petitioners

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr.B.S.Saroha, Advocate for the petitioners.

Mr. Karan Sharma, AAG, Haryana.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioners seek 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 petitioners has submitted that they are 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 aforesaid Jaspal Singh @ Gairi alongwith Sajjan Singh, Vijay Kumar and Vinod Kumar @ Majnu were arrested on 8.4.2019 and that they further made disclosure statements to the effect that they had committed the murder of Nand Lal in connivance with the petitioners Buta Singh and Kewal Deep. The learned counsel has submitted that apart from the aforesaid disclosure statements, there is no evidence to connect the petitioners with the occurrence and that no recovery whatsoever was ever effected from any of the accused.
4. Opposing the petition, the learned State counsel has submitted that since the co-accused have specifically named the petitioners to be involved in the occurrence, no case for grant of bail is made out. The learned State counsel, upon instructions from ASI Gopal Dass has, however, informed that the petitioners have been behind bars since 9.4.2019 and that none of the petitioners is involved 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 petitioners, in any case, are 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 petitioners are not even stated to be involved in any other case, their further detention would not serve any useful purpose.

7. The petition, as such, is accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

2.9.2020

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No