

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

(Heard through VC)

CRM-M-29219 of 2020 (O&M)
Date of Decision: October 26, 2020

Sombir @ Chand

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Aditya Sanghi, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG Haryana.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.378 dated 21.10.2018, under Section 302/34 of Indian Penal Code and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989, registered at Police Station Civil Lines Jind, District Jind.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 22.10.2018. It is argued that this is a case where there is no direct evidence against the petitioner of having committed the offence under Section 302/34 of IPC. It is submitted that the FIR came to be registered on the statement given by

one Sh. Puran s/o Rasila stating that he had been informed by one Subhash-contractor, that his son Sukhbir @ Babli has been killed by co-workers namely Chand Sindhvi Khera and the petitioner herein along with three others. Based on the statement given by Subhash-contractor, the FIR came to be registered, however, Subhash-contractor has been examined on 15.10.2019 and he has not supported the prosecution version. Counsel for the petitioner would also submit that the other circumstantial evidence relied upon by the prosecution is the statement given by one Sh. Sunil before the Magistrate under Section 164 Cr.P.C., in which he had initially stated that he had heard that a quarrel took place between the petitioner and others and the deceased and that he had seen the injury on the arm of the deceased. However, in his statement before the court, he too did not support the prosecution version. Counsel for the petitioner would also rely upon the CFSL report, which is inconclusive to establish the connection of the petitioner with the death of Sukhbir @ Babli. It is also contended that the material witnesses namely Subhash, father of the deceased and Sunil have been examined and, therefore, there is little likelihood of him being in a position to exercise any influence on the material witnesses. It is also submitted that the trial is not likely to conclude in near future as 10 more witnesses are yet to be examined.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, vehemently opposes the grant of regular bail to the petitioner, while contending that the petitioner has committed the heinous crime of murder of son of the complainant.

I have heard learned counsel for the parties.

In view of the facts that the petitioner herein has been in custody since 22.10.2018 and that the material witnesses have been examined, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of personal bond in the sum of ₹ 1 lacs with one surety in the like amount to the satisfaction of concerned trial Court/Duty Magistrate.

However, anything observed or said by this court is only for the purpose of deciding the instant petition for grant of regular bail and the same shall have no affect on the merits of the case.

October 26, 2020

vijay saini

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No