

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.7649 of 2021 (O&M)

Date of Decision: October 27, 2021

Balram

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Rahul Jaswal, Advocate,
for the petitioner.

Mr. Bhupinder Singh, DAG, Haryana.

MANOJ BAJAJ, J. (Oral)

CRM-30671 of 2021

CRM is allowed. Statements Annexures PW-1 and PW-2 are taken on record.

CRM-M-7649-2021.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail, pending trial in case FIR No.247 dated 22.04.2020 registered under Sections 302 and 34 Indian Penal Code, 1860 at Police Station Samalkha, District Panipat, who is in custody since his arrest on 22.04.2020.

The FIR was lodged by Shamsher Singh son of Duli Chand, who alleged that on 21.04.2020, his nephew, namely, Sandeep was found dead in the fields and later he came to know that day before the death of his nephew, Balram, Ashish, Vikas and Dharampal @ Kala were present in the fields and were consuming alcohol. His nephew also went to the fields for some work. According to complainant, Balram gave injuries to Sandeep (deceased) with iron pipe, and caused his death, whereas the other accused persons dragged his body from the fields. On these broad allegations, the

above case was registered.

Learned counsel for the petitioner has argued that the dead body of victim (Sandeep) was found lying in the fields by complainant Shamsher Singh and later on he implicated four accused, including the petitioner. He has further pointed out that co-accused, namely, Ashish @ Mota has been released on regular bail vide order dated 19.11.2020 (Annexure P-4) and as the complainant, namely, Shamsher Singh stands examined, the further custody of the petitioner may not be necessary. He has further pointed out that the said witness Shamsher Singh has not supported the prosecution case, who was declared hostile. He prays for bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by ASI Sishpal, who has argued that the petitioner participated in the crime and his role is distinguishable from co-accused Ashish @ Mota, who has been released on bail. He has submitted that the victim was caught hold by Ashish @ Mota, whereas the petitioner gave iron rod blow on his head and the said iron rod was also recovered from him. However, it is not disputed that there is no eye witness of the alleged occurrence. He further states that out of total twelve prosecution witnesses, only two have been examined so far.

After hearing the learned counsel for the parties, custodial period of the petitioner and the fact that similarly situated co-accused of the petitioner has already been released on regular bail, this court is of the opinion that the further custody of the petitioner may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest on 20.04.2020. Further, the prosecution has already examined the material witness, but is yet to examine its remaining ten witnesses and it

may take considerable time to conclude the trial.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate, Panipat.

October 27, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No