

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

201

CRM-M-9950-2020

Date of Decision: 26.08.2021

Sachin ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Vikas Lochab, Advocate, for the petitioner.

Ms. Sheenu Sura, DAG, Haryana,
assisted by SI Mahesh Kumar.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.116 dated 22.05.2019 at Police Station Sadar Narnaul, District Mohindergarh, under Sections 436/302/34/120-B & 216 IPC.
2. At the time of issuance of notice of motion on 06.03.2020, the following order was passed:

“This is a petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No. 116 dated 22.5.2019 under Sections 436, 302, 34, 120-B and 216 IPC registered at Police Station Sadar Narnaul, District Mohindergarh.

Learned counsel for the petitioner submits that the petitioner has not been named in the FIR and his name has been cropped up in the disclosure statement of co-accused Dharamveer. He further submits that co-accused Dharavmeer and Roop Chand have been granted regular bail by this Court. Learned counsel further submits that the

material witnesses i.e. PW-1 Billu @ Balwant Singh, PW-2 Krishan Kumar and PW-3 Dharmender have resiled from their earlier statements and have been declared hostile.

Notice of motion for 29.7.2020.

Meanwhile, petitioner is directed to join the investigation and if he is sought to be arrested, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.”

3. Learned counsel for the petitioner has submitted that the material witnesses, namely, PW-1 Billu @ Balwant Singh, PW-2 Krishan Kumar and PW-3 Dharmender, who have been examined, have resiled from their statements, and in these circumstances, it is not a case for detaining the petitioner in any manner.
4. Learned State counsel while opposing the petition has submitted that since serious allegations have been levelled in the FIR and since the statement of Om Parkash (deceased) is in the nature of dying declaration, which has great evidentiary value, no case for grant of bail is made out. Learned State counsel has, however, not disputed the fact that PW-1 Billu @ Balwant Singh, PW-2 Krishan Kumar and PW-3 Dharmender have been declared hostile during the proceedings of trial and that co-accused, namely, Dharamveer and Roop Chand have since been granted bail by this Court.
5. Having regard to the aforestated position wherein the material witnesses have already resiled and co-accused have already been granted bail, the petition is accepted and the interim directions issued by this Court vide order dated 06.03.2020 are

hereby made absolute. The petitioner, who is stated to have also appeared before the trial Court, shall continue to remain on bail. The trial Court would be at liberty to direct the petitioner to furnish fresh bail bonds, if deemed appropriate and to impose any other condition, as deemed necessary so as to ensure regular appearance of the petitioner before the trial Court.

26.08.2021

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**(GURVINDER SINGH GILL)
JUDGE**Whether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**