

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

(I) **CRM-M-20017-2018 (O&M)**
Date of Decision:- 22.1.2021

Sunil ... Petitioner

Versus

State of Haryana ... Respondent

(II) **CRM-M-10345-2020 (O&M)**

Dharmender ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. K.S.Virk, Advocate,
for the petitioner in CRM-M-20017-2018.

Mr. M.D. Khan, Advocate,
for the petitioner in CRM-M-10345-2020.

Ms. Sheenu Sura, DAG, Haryana,
assisted by ASI Ashok.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the above mentioned two petitions wherein petitioners Sunil and Dharmender, are seeking grant of regular bail in a case registered vide FIR No.336, dated 20.9.2017, Police Station Murthal, District Sonapat, under Sections 380, 460, 34 IPC.
2. The FIR in question was lodged at the instance of Sunita wherein it is alleged that on 19.9.2017 she along with her husband were sleeping in their room. In the courtyard her mother-in-law Bimlesh and her father-in-law Rajbir were sleeping. At about 1 am. she heard an alarm raised by her inlaws upon which she, her husband and sister-in-law came out of their rooms and saw that there were four young boys who were beating her in-laws with 'sticks'. Although they tried to rescue them but the said boys hit complainant's husband on his face and also injured her as well as her sister-in-law and her mother-in-law as well. The said boys threatened them and got the almiras opened and took out their jewellery and cash after beating them and ran away from the spot. It is further the case of prosecution that on account of the beatings given by the said persons, father-in-law namely Rajbir died.
3. Learned counsel for the petitioners has submitted that they have falsely been implicated in the present case and that in fact when all the four injured PWs i.e. PW-1 Sonia, PW-2 Bimlesh, PW-3 Amit and PW-4 Sunita, were examined during the proceedings of trial, they did

not support the case of prosecution at all and did not identify the assailants.

4. Opposing the petition, the learned State counsel has submitted that one of the PWs i.e. PW-3 Amit, during his examination-in-chief has in fact stated that one of the assailants resembled like Sunil though in the cross-examination he has also stated that he could not identify the accused properly. Learned State counsel has further submitted that recovery of gold ornaments of the complainant which were duly identified by the complainant would fully substantiate the allegations against the accused and that in these circumstances they do not deserve the concession of bail particularly since Sunil happens to be involved in number of other criminal cases. Learned State counsel has however, informed that the petitioners as on date have been behind bars since the last about 3 years and 4 months and that as on date only 5 out of the cited 40 PWs have been examined.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the fact that the injured eye witnesses have not supported the case of the prosecution inasmuch as they have not identified the accused and while noticing the custody period which is about 3 years and 4 months and that the conclusion of trial is likely to take substantial time since only five out of the cited 40 PWs have been examined till date, further detention of the petitioners will not serve any useful purpose. Both the petitions, as such, are accepted and the petitioners are ordered to be released on bail subject to their

furnishing bail bonds to the satisfaction of learned trial Court/Chief
Judicial Magistrate/Duty Magistrate concerned.

January 22, 2021
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(GURVINDER SINGH GILL)
JUDGE

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