

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

205

CRM-M-15177-2021 (O&M)

Date of Decision: 28.05.2021

Balbir

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Kawalpreet Singh Virk, Advocate for the petitioner.

Mr. G. S. Chhina, AAG, Haryana
assisted by SI Ranbir.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in a case registered against him vide FIR No.336 dated 20.9.2017 at Police Station Murthal, District Sonapat, under Sections 34/380/460 IPC (Challan presented under Sections 460/396/326 and 412 IPC & Charges framed under Sections 394/395/396/397/412 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 a.m., she heard an alarm raised by her in-laws 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 petitioner has submitted that he has 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. The learned counsel has further submitted that other identically situated co-accused namely Sunil and Dharmender have already been granted bail vide order dated 22.01.2021 (Annexure P-8), while noticing that the eye-witnesses have not supported the case of the prosecution.
4. Opposing the petition, learned State counsel has submitted that the petitioner is the main accused and in fact is a seasoned criminal having been involved in 19 other cases and that in the instant case an iron rod was also recovered from him, no case for grant of bail is made out. The learned State counsel has, however, informed that the petitioner has been behind bars since the last about 3½ years and till date only 6 out of the cited 40 PWs have been examined.
5. I have considered rival submissions addressed before this Court.

6. Having regard to the facts and circumstances of the case particularly that in the instant case recovery stands effected and petitioner has been behind bars since the last about 3½ years and only 6 out of the cited 40 PWs have been examined so far, no useful purpose will be served by further detaining the petitioner behind bars as the conclusion of trial will take some time. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

28.05.2021

VY

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No