

In virtual Court

CRM-M-15258-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-15258-2021 (O&M)
Date of decision: 29.09.2021

Sonu

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Vishal Garg Narwana, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

Mr. Ravi Malik, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

CRM-30953-2021

For the reasons stated in the application, same is allowed.
Annexure P-10 is taken on record and exemption sought is granted.

CRM stands disposed of.

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Prayer in this petition is for grant of regular bail in FIR No.58
dated 26.09.2019 under Sections 147, 148, 149, 302, 323 IPC, registered at
Police Station GRP Jind, District GRP Ambala Cantt.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of complainant Shivam, it is stated that on 25.09.2019, in the evening, petitioner Satnam Singh had telephonically called his brother Harjit @ Jeeta that some fight has took place on 23.09.2019 regarding driving of motorcycle by Ankit and Vishal. Some settlement is to be arrived at, for which they will come to the railway station. Upon this, Harjit, complainant, Ankit and brother-in-law of the complainant Amit @ Meeru reached at Paleti. There, Vishal, Sonu both real brothers, Jobin, Nitin and one boy, whose name is not known, were standing. On reaching, all six boys suddenly attacked Harjit @ Jeeta. Sonu gave poker blow on head and neck of Jeeta, Jobit hit with punch, Vishal hit with rod and rest of three caught hold of Harjit @ Jeeta and gave kick and fist blow to over power him. Thereafter, Sonu attacked the complainant with poker on his left wrist and finger. In defence, the complainant side also attacked them by picking stones from railway track and in the meantime, they fled away from the spot. Harjit became unconscious and taken to the hospital, where he was declared dead.

Learned counsel for the petitioner further submits that allegations against the petitioner are that he along with co-accused formed an unlawful assembly and while being armed with deadly weapons i.e. poker and punch etc., with common object, committed the murder of Harjit @ Jeeta and voluntarily further caused hurt to witnesses Ankit and Shivam. Learned counsel has placed on record deposition of Shivam, who appeared as PW1 and stated that on 25.09.2019, he along with deceased Harjit @ Jeeta and his friend Ankit were

present on the railway station and some unknown persons caused injuries to him. This witness further stated that he has seen the accused persons present in the Court and they are not the assailants, who had caused injuries to them. On request of learned Public Prosecutor, this witness was declared hostile and was permitted to conduct cross-examination. In cross-examination, this witness even denied having made any statement Ex.P1 to the police, levelling allegations against the petitioner or other accused. In cross-examination by the defence counsel, this witness stated that he do not know any of the accused persons and they are not the assailants.

Learned counsel further referred to statement of PW2 injured Ankit, who also deposed on the same lines that some unknown persons had caused injuries to him, deceased Harjit @ Jeeta and Shivam. This witness was also declared hostile and in cross-examination, he denied having made any statement to the police in this regard. In cross-examination by the defence counsel, he stated that he do not know any of the accused persons and they are not the assailants. Similar is the deposition of PW3 Amir Singh @ Meeru, the alleged eyewitness, who was also declared hostile, as he did not support the prosecution version. Another witness PW4 Bhira did not support the prosecution version and he was also declared hostile.

Learned counsel for the petitioner has thus argued that all the material witnesses have already been examined and they have not supported the prosecution version and there is no possibility of tempering with the evidence or trying to influence the prosecution witnesses, as only the official witnesses

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remain to be examined. It is next submitted that the petitioner is in custody for the last 01 year, 11 months and 27 days and is not involved in any other case.

Learned State counsel has filed the custody certificate dated 28.09.2021 in the Court today and on the basis of reply by way of affidavit of SHO, Police Station GRP, Jind, though has supported the prosecution version, but could not dispute the fact that all the material witnesses have not supported the prosecution version and they have been declared hostile.

Without commenting anything on merits of the case, considering the long custody of the petitioner and his non-involvement in any other case and also in view of the fact that all the material witnesses have been examined and they have not supported the prosecution version, therefore, there is no possibility of tempering with the prosecution version at this stage, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

29.09.2021
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No