

202 **IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-17997-2021

Date of Decision: 21.05.2021

Balraj Singh & another

..... Petitioners

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Vikas Bishnoi, Advocate
for the petitioners.

Mr. Anmol Malik, D.A.G., Haryana.

SUDIP AHLUWALIA, J. (ORAL)

The present petition has been filed under Section 439 of the Cr.P.C for grant of regular bail to the petitioners in the case FIR No.126 dated 01.06.2018 under Sections 285 & 365 of the IPC & Section 25 of the Arms Act, registered at Police Station Bhattu Kalan, District Fatehabad but during investigation Sections 148, 149, 364, 452, 302, 201 and 120-B of the IPC & Sections 27 and 30 of the Arms Act were added and Section 365 of the IPC was deleted by the Investigating Agency.

2. Heard.

3. FIR was registered on the statement of Rai Singh. His nephew (sister's son), who was living with him, eloped with niece of accused-Dalbir and married with her. He brought her to the house of complainant on 01.06.2018, 15-20 persons came in two vehicles, fired shots in air and kidnapped nephew of complainant and his wife, namely Sunita.

4. It is a case of honour killing. The petitioners were not named in the FIR but later on, they were named in the supplementary statement of

complainant. They have, however, not been attributed any active role in causing any injury to the deceased.

5. Several other accused persons facing trial in the case namely Siri Ram, Beeru Ram, Dalbeer, Sunder Lal and Dharampal alias Jagar have already been granted regular bail by various Benches of this Court.

6. The present petitioners have remained in detention for almost 5 months, since 28.12.2020. Perusal of the statements given by the private prosecution witnesses in the Trial Court reveals no incriminating material against them. In fact, those witnesses were declared hostile from the prosecution side as can be seen from their statements on record (Annexure P-8 (colly)). The Ld. Trial Court nevertheless rejected the petitioners' prayer for release on bail by simply observing "The allegations against the petitioners/accused are serious in nature. Hence, no ground is made out to enlarge the petitioners/accused on bail.....".

7. It is, therefore, clear that the Ld. Court below has acted mechanically in considering the bail prayer of the petitioners without being mindful at all of the fact that there is no iota of any actual incriminating evidence available against them and that several other co-accused in the same case for similar reasons have already been granted regular bail earlier.

8. For the aforesaid reasons, further detention of the petitioners at this stage for an indefinite period is not called for. As such, without commenting any further on the merits of the present case as a whole and also the fact that the trial will take its own substantial time to complete, particularly on account of ongoing Covid-19 pandemic, the prayer of the petitioners for regular bail is allowed and they are ordered to be released on

bail, subject to appropriate terms and conditions to the satisfaction of the
Ld. Trial Court/Duty Magistrate, concerned.

9. Disposed off.

21.05.2021

Jitesh (JTS)

(SUDIP AHLUWALIA)
JUDGE

- | | |
|-------------------------------|-----|
| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | No |