

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

CRM-M-22995-2021 (O&M)
Date of Decision:-27.8.2021

Vinod @ Kaira and another ... Petitioners

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Varuna Singh, Advocate for the petitioners.

Mr. Vishal Kashyap, DAG, Haryana,
assisted by SI Krishan Chander.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioners seek grant of regular bail in a case registered vide FIR No.204 dated 6.5.2020 at Police Station City, Gohana under Sections 323, 302, 120 and 34 of Indian Penal Code.
2. The FIR was lodged at the instance of Jaibhagwan, wherein it is alleged that his son Amit is a driver by profession. On 1.5.2020 at about 12:00 p.m. (night time), the complainant called his son on his mobile phone and who disclosed that Vinod @ Kaira, Azad and Parveen have called him at shop No.192, New Anaz Mandi, Gohana and forcibly administered liquor to him

and had threatened to kill him and that he is returning back home. However, his son did not return back home. Thereafter, the complainant's elder son Sumit went to look for Amit and returned back and told the complainant that Amit was sitting alongwith Vinod, Hariom and two other persons and upon seeing Amit safe, the complainant's elder son returned back home. However, since Amit did not return back home even the next day, the complainant went to look for him on his motorcycle and he was followed by Hariom in his car in which 3-4 persons were sitting. It is alleged that when complainant reached near the bypass he found the motorcycle of his son lying in broken condition and some passerby informed him that Amit had been taken to hospital.

3. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in the present case and that there is no credible evidence to suggest that they had any role to play in the death of complainant's son Amit. Learned counsel has further submitted that, in any case, the complainant as well as the other material eye-witnesses have been examined during the proceedings of trial and that none of them have supported the case of prosecution. Learned counsel, in this regard, has drawn the attention of this Court to the testimonies of PW-1- Jai Bhagwan (Annexure P-3), PW-2-Narender (Annexure P-4) and PW-3-Sushil (Annexure P-5), a perusal of which would show that none of them has supported the case of prosecution at all.
4. Opposing the petition, learned State counsel has submitted that since the FIR does suggest that the petitioners have a role to play in the death of complainants' son and infact investigation also points towards their guilt, no case for grant of bail is made out. Learned State counsel has, however,

informed that the petitioners as on date have been behind bars since the last 1 year, 3 months and 17 days and are not involved in any other case.

5. I have considered rival submissions addressed before this Court.
6. Having regard to the nature of allegations and the fact that the complainant i.e. father of the deceased as well as other witnesses have not supported the case of prosecution at all and have resiled and while also noticing that the petitioners have been behind bars since the last more than 1 year and 3 months, their further detention will not serve any useful purpose. The petition, as such, is accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

27.8.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No