

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

**CRM-M No.34596 of 2020**

Date of decision: 5<sup>th</sup> April, 2021

Bindu @ Jagpal Singh

... Petitioner

Versus

State of Haryana

... Respondent

**CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**

Present: Mr. Kamaldip S. Sidhu, Advocate for the petitioner.

Mr. Tarun Walia, Asst. Advocate General, Haryana  
for the respondent/State.

Mr. Munish Behl, Advocate for the complainant.

**FATEH DEEP SINGH, J.**

Petitioner Bindu alias Jagpal Singh has come up in this first regular bail application under Section 439 Cr.P.C. in case bearing FIR No.216 dated 02.07.2019 under Sections 120-B, 148, 149, 302, 303, 323, 452, 506 IPC and Section 25 of the Arms Act pertaining to Police Station Naraingarh, District Ambala. The brief allegations have come from complainant Sunehra Lal, a farmer by profession. The complainant alleges that in the year 2013 Gurdeep Singh son of Swaran Singh was murdered by one Rajwinder Singh son of Tejpal and others totalling to five persons who were convicted in the said case and wherein, one Randhir Singh son of Singh Ram, Madan Lal son of Babu Ram and Gurnam Singh were the main witnesses. As a consequence of the

conviction in the previous case, Mohit son of Nasib Singh, Sumit son of Pehal Singh, Dinkar son of Om Parkash and Mohit son of Puna Ram murdered the eye witness Randhir Singh son of Singh Ram, for which an FIR bearing No.172 dated 13.05.2018 under Section 302 IPC was registered at Police Station Naraingarh on the statement of one Puran Chand son of Lal Singh.

The allegations in brief are that during the intervening night of 1<sup>st</sup>/2<sup>nd</sup> July, 2019 the complainant in previous case namely Puran Chand was sleeping in his bed in the cattle-house when he was allegedly attacked by Prateek son of Naseeb, Mohit son of Naseeb, Mohit son of Puna, Rohit son of Puna, Sumit son of Pehal Singh, Dinkar son of Parkash, Ravi son of Ram Pal, Vishal son of Ram Pal, Lalin son of Randhir Singh and 2-3 other unknown persons. The accused at that time were armed with pistols and sharp edged weapons including Dandas. The allegations are that Mohit son of Naseeb fired a shot from his pistol hitting the head of Puran Chand while Rohit son of Puna Lal fired at Puran Chand which hit him on the waist whereas Dinkar son of Om Parkash fired from his pistol hitting Puran Chand. Thereafter both sides exchanged blows and on raising of raula, the accused ran away giving threats that in case the complainant side registered any FIR they will be done away with.

The allegations against the petitioner are that his name cropped up in the second statement of co-accused got recorded on 10.11.2019 whereby the petitioner is alleged to have stood guard outside

the house wherein his co-accused were hatching a conspiracy along with one Mamta, mother of the main accused, leading to his arrest on 15.11.2019.

Learned counsel for the petitioner Mr. Kamaldip Singh Sidhu, Advocate inter alia contends that the petitioner is behind bars since one year and five months and that neither the accused petitioner is named in the FIR nor any role is attributed to him and has sought to claim that he has been falsely implicated being a sympathizer of his co-accused.

On behalf of the State, Mr. Tarun Walia, Asst. Advocate General, Haryana assisted by Mr. Munish Behl, Advocate representing the complainant, have forcefully submitted that the petitioner cannot seek parity along with Mamta who has been granted bail by this Court vide orders dated 19.12.2019, contending that the parties have a previous long history of enmity and revenge, and if allowed bail there is every likelihood the petitioner might influence the trial which is underway.

Going through the submissions, without adverting on to the merits of the case, it is writ large on the records that the petitioner is not named anywhere either in the FIR or subsequent proceedings till recording of statement of co-accused for the second time on 10.11.2019. More so, neither any specific role is attributed to him in his active participation for carrying out the offence and is a mere mute spectator standing outside the room and his guilt is subject to the outcome at the trial. The petitioner is behind bars since a long time and similarly placed co-accused Mamta Devi has been allowed bail by this Court and thus

even by the principle of parity together with the fact that due to present pandemic the trial is not likely to be accomplished in the near future, this Court is of the opinion that no useful purpose will be served by keeping the petitioner in custody in the present case. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Ambala. However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

The petition stands disposed off accordingly.

**(FATEH DEEP SINGH)**  
**JUDGE**

**April 5, 2021**

*rps*

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |