

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

CRM-M-36832-2020 (O&M)

(1) Malkiat Singh ... Petitioner

Versus

State of Haryana ... Respondent

(2) **CRM-M-39336-2020 (O&M)**

Mewa Ram ... Petitioner

Versus

State of Haryana ... Respondent

Date of Decision:- 24.8.2021

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Harinder Sharma, Advocate for the petitioner
in CRM-M-36832-2020.

Ms. Rana Ghuman, Advocate for the petitioner
in CRM-M-39336-2020.

Mr. Vishal Kashyap, DAG Haryana,
assisted by SHO Sudhir Singh.

Mr. Gurdarshan Sidhu, Advocate for the complainant.

GURVINDER SINGH GILL, J.

1. This order shall dispose off above mentioned two petitions filed on behalf of Malkiat Singh and Mewa Ram seeking grant of regular bail in a case registered vide FIR No. 11 dated 26.1.2020 under Sections 302/341/34 IPC at Police Station Rori, District Sirsa.

2. The FIR in the instant case was lodged on the statement of Balwinder Singh (brother of deceased Sukhwinder Singh) wherein it is alleged that on the night intervening 25/26.1.2020, when he alongwith his brother Sukhwinder Singh (deceased) alongwith his friend Sukhdeep @ Sippla were returning home after attending a *Jagran* of Baba Ramdev, they were waylaid by Malkiat Singh, Nishan Singh, Manak, Amar Lal, Gill, Sukha, Gurpreet alongwith 8-10 unknown persons, who were carrying weapons like '*kappa*', '*gandasi*', 'swords' and 'rods' in their hands. The said persons attacked complainant's brother Sukhwinder Singh with their weapons on his face, mouth, hands and feet. Although, the complainant and his friend tried to rescue Sukhwinder Singh but they could not rescue him. Sukhwinder Singh fell down on account of the injuries sustained by him and ultimately succumbed to his injuries, though he had been taken to hospital.
3. The learned counsel for the petitioners have submitted that they have falsely been implicated in the instant case and that there is no evidence worth credence to establish the allegations in question. The learned counsel representing petitioner Mewa Ram has also submitted that he in any case, is not named in the FIR and has subsequently been nominated as an accused on the basis of a disclosure statement allegedly made by co-accused Malkiat Singh.
4. Opposing the petitions, the learned State counsel assisted by counsel for the complainant has submitted that it is infact a case of honour killing inasmuch as the deceased was suspected to be having an affair with niece of petitioner Malkiat Singh. The learned State counsel has further submitted that the involvement of Mewa Ram is also evident from the fact that Malkiat Singh

during interrogation had specifically named the petitioner Mewa Ram as their accomplice. The learned State counsel has further informed that while the petitioner Malkiat Singh has been behind bars since the last about 1 year and 10 months, the petitioner Mewa Ram has been behind bars since the last about 1 year and 7 months. It has also been informed that while '*gandasi*' was recovered at the instance of Malkiat Singh, a '*kappa*' was recovered at the instance of petitioner Mewa Ram.

5. I have considered rival submissions addressed before this Court.
6. The fact that the deceased was brutally murdered would be evident from perusal of the postmortem report which shows that as many as 6 injuries were found on the body of the deceased out of which 4 were in the nature of incised wounds including 2 injuries on his face and one on his forehead, apart from swelling over occipital region. While the petitioner Malkiat Singh is specifically named in the FIR, the petitioner Mewa Ram came to be nominated subsequently on the basis of a disclosure statement allegedly made by Malkiat Singh. In these circumstances, the involvement of Mewa Ram would rather be debatable and his involvement would only be established in case there is other convincing evidence against him since disclosure statement of a co-accused by itself is not a very strong piece of evidence. The involvement of Malkiat Singh, however, is *prima facie* evident.
7. Having regard to the aforesaid facts and circumstances, while the petition for grant of bail on behalf of Malkiat Singh is declined, the petition on behalf of Mewa Ram is accepted. Petitioner Mewa Ram 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.

24.8.2021

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No