

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.42182 of 2021
Date of Decision: October 12, 2021

Amit

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Gopal Sharma, Advocate,
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.67 dated 04.04.2021, under Sections 302, 34, 450 IPC, 1860 and Sections 120-B and 201 IPC (added later on), registered at Police Station, Bhuna, District Fatehabad, who is in custody since his arrest on 16.04.2021.

The allegations in the FIR, as noticed by the Sessions Judge, Fatehabad in his order dated 23.08.2021, are as under:-

“As per prosecution case, complainant Dalip Singh got recorded his statement to the police that he is having two sons, elder is Hargovind and younger is Satnam. His son Satnam was residing in the house of his brother-in-law (Sala) Ram Niwas in village Nehla for the last two years. On 04.04.2021 at about 8:00/8:30 a.m. his son Hargovind received call from Sachin, son of his brother-in-law that after taking meals, Satnam went to sleep in new house and that day, it was their

turn to use water for irrigation and for this purpose, he made call to Satnam, but he did not pick up his call and thereafter, when he himself went to the house, he found that dead body of Satnam was lying there. Upon receiving this information, complainant alongwith his family members reached village Nehla and found that dead body of his son Satnam was lying there and there were multiple injuries on face, head, eyes on the dead body of his son and blood in huge quantity had oozed. The complainant alleged that some unknown persons had murdered his son Satnam by giving injuries with bricks and other weapons and prayed that appropriate action may be taken against accused persons.”

Learned counsel for the petitioner has argued that as per prosecution, co-accused, namely, Hemant, Prince and Ankit caused injuries upon Satnam and the petitioner was not involved in the said crime, who has been falsely implicated on the basis of the disclosure statement suffered by co-accused Hemant (Annexure P-5). He submits that even motive to commit the crime is also attributed to co-accused Hemant as the victim had teased Hemant's sister. According to him, the charges in this case have already been framed on 06.09.2021, therefore, the further custody of the petitioner may not be necessary. He prays for bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by SI Dilbagh Singh, who has argued that the petitioner provided the weapons to all the three co-accused and the same were also recovered from them. Learned State counsel submits that no recovery was made from petitioner, and except for the disclosure statement of the co-accused, there is no other evidence against the petitioner. He submits that the prosecution is yet to examine its witnesses.

After hearing the learned counsel for the parties, considering

the above background and the fact that the trial is yet to commence, this court is of the opinion that the further custody of the petitioner behind the bars would not serve any useful purpose. The material witnesses are either close relatives of the victim or the police officials and there does not seem to be any possibility of their being won over.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate, Fatehabad.

October 12, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No