

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-43317-2021 (O&M)

Date of decision: 17.11.2021

Sunil

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Ashok Giri, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.228 dated 22.11.2019 under Sections 302/34 IPC, registered at Police Station Behal, District Bhiwani.

Learned counsel for the petitioner submits that the FIR was registered on the statement of Mahant Jagatpuri, he is residing in Dera Matth, Hisar and one Mahant Hanspuri, who is brother of his cult, has been murdered. When he reached Bala Ji Temple, Behal, he saw dead body of Mahant Hanspuri in the temple and found that he has been murdered after giving injuries. When he verified from the villagers present at the spot, then Banwari and Omparkash told him that during the day time, Bablu, petitioner Sunil and one other person had quarrelled with Mahant Hanspuri and thereafter, they went home late in the

night. Again aforesaid three persons had quarrelled with Mahant Hanspuri and thereafter, they, by causing injuries to him, ran away from the spot. It is further submitted that it is a case, where there is no eyewitness and PW1 Dalip, who heard the noise, made a phone call to one Surrender, who further called Balwan and then, they took Mahant Hanspuri to Dr. Virender, Behal, where he was declared dead. This witness was declared hostile and later on, he resiled from the statement Ex.PW1/A made to the police.

Learned counsel has referred to statement of PW2 Om Parkash, who has simply stated nothing about the case. This witness was also declared hostile and resiled from the statement Ex.PW2/A made before the police. Even PW4 Jai Parkash, who has allegedly informed the complainant, has also not supported the prosecution version and was also declared hostile and he even denied his statement Ex.P2 made before the police. It is further submitted that the petitioner is in custody for the last 01 year, 11 months and 22 days and is not involved in any other case and he may be released on regular bail.

Reply by way of affidavit of Deputy Superintendent of Police, Loharu, District Bhiwani, filed in the Court today, is taken on record, in which, after giving details of the FIR and the investigation conducted by the police, it is stated that as per post-mortem report, the doctor has opined that injuries could have been caused by bamboo sticks. It is further stated that out of total 19 prosecution witnesses, 18 PWs have already been examined. It is submitted that since the witnesses named above have deposed before the police, the petitioner and other two accused were arrested.

After hearing learned counsel for the parties, without commenting

anything further on merits of the case and considering the aforesaid facts and circumstances of the case and also in view of the fact that three prosecution witnesses have not supported the prosecution version, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

17.11.2021
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No