

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

221

CRM-M-50546-2021

Date of Decision: 07.12.2021

Satpal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Shailender Singh Gill, Advocate,
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by SI Shiv Kumar.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.178 dated 20.05.2020 at P.S. Pundri, District Kaithal, under Sections 302/34 IPC.
2. The case of the prosecution is that on 20.05.2020 when SI Ramphal and HC Vijaya Kumar were patrolling near Pilgrimage Pundrak, they received information to the effect that a person was lying dead at Kaithli Gate Pundri. Upon receipt of said information, SI Ramphal alongwith other police officials reached at the spot and saw a dead body lying in front of house of Darshan, which was profusely bleeding from neck, head, forehead and chin on account of injuries having been caused by some sharp edged weapon. A motor-cycle bearing registration No.HP17B-7280 was also lying nearby. Upon enquiry, the name of the deceased was found to be Suresh.

3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and has subsequently been nominated on the basis of statement of one Rameshwar, who stated that on 19.05.2020 he had seen the petitioner inflicting blows with a *gandassi* to the deceased and that the son of the petitioner was also standing nearby. Learned counsel has further submitted that the said Rameshwar had falsely been projected as an eye-witness on account of some rivalry in the village and that in any case said Rameshwar had already expired and that there is no other evidence to connect the petitioner with the alleged occurrence.
4. Opposing the petition, learned State counsel has submitted that since a blood stained *gandassi* and blood stained clothes of the petitioner were recovered by the police, the same would clearly show that it is the petitioner, who had murdered the deceased. It has further been submitted that in fact it is a case where the petitioner and the deceased are real brothers and there was dispute amongst them regarding lease of land on account of which the petitioner had killed his real brother. It has, however, been informed that the petitioner as on date has been behind bars since the last about 1 ½ year and that he is not involved in any other case. It has also been informed that as on date only 1 PW out of cited 21 PWs has been examined.
5. I have considered rival submissions addressed before this Court.
6. Although as per the FIR, some unknown person had killed the deceased, but the prosecution banked upon the statement of one Rameshwar (eye-witness) stated to have been recorded on the very day when FIR was lodged, who had categorically stated that he had seen the petitioner

inflicting injuries to the deceased with the help of a *gandassi*. However, it is not in dispute that the aforesaid Rameshwar has since expired. The said witness was yet to be examined during the course of trial.

7. No doubt, the prosecution relies upon report of the FSL pertaining to the blood stained *gandassi* and blood stained clothes as well as the tower location record, but the same may not be sufficient to nail the guilt of the petitioner, as the same cannot be said to be substantive evidence. In any case, since the petitioner has been behind bars since the last about 1 ½ year and is not stated to be involved in any other case, further detention of the petitioner will not serve any useful purpose as conclusion of trial will take some time. The petition, as such, is accepted and the petitioner 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.
8. It is, however, made clear that none of the observations made above shall be taken to be an expression on merits of the main case.

07.12.2021

Vimal

**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**