

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

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CRM-M-6462-2022

Date of Decision: 27.04.2022

Gurudev Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Vikas Gulia, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by SI Shriniwas.

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.293 dated 29.03.2021 at Police Station Kharkhoda, District Sonipat, under Section 302 IPC.
2. The FIR was lodged at the instance of Jamna, wife of the deceased, wherein it is alleged that she alongwith her husband had been working at a brick kiln since the last about 5 months. It is alleged that on 29.03.2021 at about 11.30 AM i.e. on the day of Holi, Gurudev Singh @ Ninku, who is working as JCB driver in the said brick kiln came there while driving the JCB and started destroying the bricks with the help of JCB machine. When the complainant's husband tried to stop JCB driver Ninku (petitioner), he lifted the complainant's husband in the bucket of JCB machine and started waiving the bucket in the air and thereafter threw her husband

down from the bucket as a result of which her husband started bleeding from mouth and nose and ultimately expired.

3. Learned counsel for the petitioner has submitted that a false FIR came to be lodged against the petitioner and that the falsity would be evident from the fact that when the complainant Jamna stepped into the witness-box as PW-3, she absolutely resiled from her statement and did not support the case of the prosecution at all. She categorically stated that the accused present in Court was not present at the spot nor he was driving any JCB.
4. On the other hand, learned State counsel has not disputed the fact that the complainant has since resiled. It has, however, been informed that the petitioner as on date has been behind bars since the last more than 1 year and that he otherwise has a clean record.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the fact that the complainant herself has turned hostile and has not supported the case of the prosecution at all and also that the petitioner has been behind bars for a substantial period of more than 1 year, further detention of the petitioner will not serve any useful purpose as the 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.

27.04.2022

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No