

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

216+106

**CRM-M-8628 of 2022 (O & M)
Date of decision:30.08.2022**

Rakesh Kumar

... Petitioner

Vs.

State of Haryana

... Respondent

CRM-M-20784-2022

Vijay Singh @ Leelu Ram

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Gursimran Singh Madaan, Advocate
for the petitioner in CRM-M-8628-2022.

Mr. Shreenath A. Khemka, Advocate
for the petitioner in CRM-M-20784-2022.

Ms. Deepshikha Chauhan, AAG, Haryana.

Mr. R.S. Mamli, Advocate for the complainant.

SUVIR SEHGAL J.(ORAL)

CRM-29683-2022 in CRM-M-8628-2022

Application is allowed as prayed for.

Testimony of 06 witnesses, including complainant, is taken on
record as Annexure P-4 (collectively).

Main Case

This order shall dispose of CRM-M-8628-2022 titled as **Rakesh Kumar versus State of Haryana** and CRM-M-20784-2022 titled as **Vijay Singh @ Leelu Ram versus State of Haryana and another.** Petitioners, Rakesh Kumar and Vijay Singh @ Leelu Ram, are accused in FIR No.340 dated 15.08.2021 registered under Sections 323, 452, 306 and 34 of IPC, 1860, at Police Station Sadar Sirsa, Annexure P-1, and have approached this Court by way of separate petitions seeking grant of regular bail under Section 439 of Cr.P.C. For the sake of convenience, facts are being taken from CRM-M-8628-2022.

Case of the prosecution is that FIR, Annexure P-1, has been registered on the statement of Satyavan on the allegation that he and his brother Jagdish stay together. On 14.08.2021, Manjubala, wife of Jagdish, went missing and despite search, they could not locate her. On 15.08.2021 at about 10.30 am, Jagdish's brother-in-law, Uggarsain, who was accompanied by Kashmir Chand, Leelu Ram (petitioner in CRM-M-20784-2022), Bablu alongwith some unknown persons came to their house, assaulted complainant's wife, Jaital Devi and mother Shanti Devi. Leelu Ram and Kashmir caught hold of his mother and Uggarsain forced some pesticide in her mouth. On hearing the commotion, neighbours gathered, however, the accused managed to escape. Shanti Devi was immediately taken to hospital, but she expired.

Counsel for the petitioner(s) has made a reference to the testimony of Satyavan (PW-3) and Jaital Devi (PW-5), which has been placed on record as Annexure P-4, to urge that the complainant and his

wife have denied the incident. He submits that in their deposition, they have stated that Shanti Devi consumed poisonous substance by mistake as the bottle was lying next to the medicines. They have denied that the accused came to their house on the fateful day. He submits that the petitioners, who are innocent and are in custody since 07.10.2021, deserve to be enlarged on bail.

Per contra, learned State counsel upon instructions from ASI Rajesh Kumar, has opposed the petitions and has submitted that accused Vijay Singh @ Leelu Ram has been specifically named in the FIR and has been ascribed an active role. She submits that the name of Rakesh Kumar (petitioner in CRM-M-8628-2022) has been revealed by accused-Uggarsain in his confessional statement. Still further, upon instructions, she submits that 06 out of 22 prosecution witnesses have been examined. She has submitted that the accused are facing charge under Sections 452, 323, 306 read with Section 34 of IPC and charge has not been framed for offence under Section 328 of IPC, which was added during investigation.

Having heard counsel for the parties, this Court is *prima facie* of the view that the complicity of the petitioners in the offence, would remain a subject matter of debate before the trial court. Petitioners, who are in custody for the last more than 10 months, would be entitled to be released on bail as material prosecution witnesses have been examined and trial is likely to take time to conclude.

Without adverting to the merits or de-merits of the arguments addressed by counsel for the parties, petitions are allowed. Both the petitioners are ordered to be released on bail on furnishing bail/surety

bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

It is clarified that any observation made hereinabove shall not
be construed to be an expression of opinion on the merits of the case.

30.08.2022
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No