

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****(I) CRM-M-9588-2022 (O&M)**

Gyan Chand @ Gyani ...Petitioner

Versus

State of Haryana ...Respondent

(II) CRM-M-27761-2022 (O&M)

Satpal ...Petitioner

Versus

State of Haryana ...Respondent

Date of Decision: 01.12.2022**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**Present: Mr. Neeraj Goel, Advocate, for the petitioner
in CRM-M-9588-2022.Mr. Sumit Kumar, Advocate, for
Mr. Baljeet Beniwal, Advocate, for the petitioner
in CRM-M-27761-2022.

Mr. Rajiv Sidhu, DAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the aforesaid two petitions filed on behalf of Gyan Chand @ Gyani and Satpal respectively, seeking grant of regular bail in respect of a case registered against them vide FIR No.495 dated 25.06.2019 at Police Station Sadar Palwal, District Palwal, under Sections 302/34 IPC.
2. The FIR was lodged at the instance of Ravinder, wherein it has been alleged that on 25.06.2019, when his brother Harkesh (deceased) was at

his shop, then Bisham, Lalit, Satpal and Gyani took him along from his shop for the purpose of doing some labour work. However, later the complainant came to know that his brother had been murdered and that his dead body was lying in the fields of Bisham. Upon receipt of said information, the complainant alongwith his another brother went to the fields of Bisham where the dead body of Harkesh was found lying and his neck had been slit. The complainant alleged that his brother Harkesh had been murdered by Bisham, Lalit, Satpal and Gyani.

3. Learned counsel appearing on behalf of the respective petitioners have submitted that the present case is a case based totally on circumstantial evidence. Learned counsel have further submitted that the petitioners have been falsely implicated in the present case and that the falsity would be evident from the fact that the complainant Ravinder (PW-5) as well as the wife of the deceased, namely, Reena (PW-1), who had claimed in their statements recorded in terms of Section 161 Cr.P.C. that they had seen the accused alongwith the deceased, turned absolutely hostile qua the petitioners when they were examined during the proceedings of trial. Learned counsel in this regard have referred to the statement of Reena (PW-1), wherein she categorically stated that it is only Lalit, who had taken along her husband on a motor-cycle on the date of occurrence. Similarly, Ravinder (PW-5) in his statement has identified only Lalit to be the accused.
4. Opposing the petition, learned State counsel has submitted that it is apparently a case where the petitioners had been able to win over the eye-witnesses and that since the names of the petitioners specifically figure in the FIR, their complicity is clearly evident. Learned State counsel, has,

however, informed that the petitioners as on date have been behind bars since the last about 3 years & 5 months and that they are not involved in any other case.

5. This Court has considered rival submissions.
6. The two material witnesses pertaining to 'last seen' evidence i.e. the complainant Ravinder (PW-5) as well as the wife of the deceased Reena (PW-1) have resiled from their statements and have not supported the case of prosecution qua the petitioners. The petitioners otherwise have been behind bars for a substantial period of last about 3 years & 5 months and are not stated to be involved in any other case. In these circumstances, further detention of the petitioners will not serve any useful purpose as the conclusion of trial will take some time. Both the petitions, as such, are accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
7. A photocopy of this order be placed on the connected file.

(GURVINDER SINGH GILL)
JUDGE

29.11.2022
Vimal

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