IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-11576-2022

DATE OF DECISION: APRIL 7, 2022

AJAY KUMAR ...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. AJAY KUMAR GUPTA, ADVOCATE FOR THE PETITIONER.
MR. BHUPENDER SINGH, DAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.228 dated 10.9.2021, under Section 120-B, 302, 34 IPC, Police Station Badhra, who is in custody since his arrest on 15.9.2021.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Charkhi Dadri, in the order dated 21.2.2022, are as under:-

> "*The present case was registered on the statement of Suman wife of Sunder Singh, vide which, she reported that she has three daughters and one son. Her husband Sunder Singh is working as a shepherd. On that day, at around 10:00/11:00, he took goats from their house to fields for grazing. She came to know that he was grazing their goats in the fields of Satyapal son of Desh Raj, resident of Atela. She returned back to her house, after giving food to her husband in the fields of Satyapal. At around 12:00 noon, her father-in-law Dariya Singh also met with her husband near the fields of Satyapal. Again*

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> *her father-in-law went to check goats then her husband was lying near the janti tree in bajra fields of Satyapal and he was in pain due to lot of injuries. Her father-in-law came back running to their house and informed them about the same. They after arranging a vehicle took him to Govt. Hospital. Her husband suffered several injuries on his hands, legs and whole of the body and blood was oozing from the body of her husband. Her husband was unconscious and was not able to speak anything and was declared dead by the doctor. A quarrel had taken place in between her husband and wife of Satyapal and the son of Satyapal extended threat upon her husband. She raised her suspicion of being behind the occurrence upon Satyapal, his son Anil and Sukhwinder alias Dholiya.*"

Learned counsel for the petitioner has argued that the victim was found dead in the fields of co-accused Satyapal and his wife had seen him while he was grazing his cattle and suspected his participation in the alleged crime. He has argued that the petitioner has been falsely implicated in this case, on the basis of disclosure statement made by co-accused and during investigation, no convincing evidence has been collected to connect him with the crime. He has argued that as per the prosecution, the vehicle used in the crime by the assailants is stated to be owned by the petitioner, but according to him the said vehicle already stood sold on 8.8.2021 to co-accused Anil son of Satyapal. He has pointed out that the prosecution case is based on circumstantial evidence, therefore, his further custody may not be necessary. He prays for bail.

On the other hand, learned State counsel assisted by SI Jaiveer Singh has opposed the aforesaid prayer who has argued that the petitioner

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also participated in the crime, as the vehicle used by accused persons was recovered from him. However, it is not disputed by him that there is no eye witness to the alleged occurrence and petitioner was implicated on the basis of the disclosure statement of the co-accused. According to him, in all there are 10 accused and five co-accused are the family members of accused Satyapal. He further states that challan has been filed on 2.12.2021.

Considering the above background, the custody of the petitioner, the fact that challan has been filed, but charges are yet to be framed, therefore, this Court is of the opinion that as the trial is yet to commence and would take considerable time to conclude, further detention of the petitioner may not be necessary for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

April 7, 2022 **(MANOJ BAJAJ)**
Gulati **JUDGE**

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No

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