

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

Sr. No.214

CRM-M-16600 of 2022

Date of Decision: 22.08.2022

Vikram Singh

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ajay Chaudhary, Advocate
for the petitioner.

Mr. Sukhdeep Singh Parmar, Sr. DAG, Haryana.

Mr. Raman Chawla, Advocate
for the complainant.

MANOJ BAJAJ, J. (ORAL)

The petitioner has filed this petition under Section 439 Cr.P.C. seeking grant of regular bail in case FIR No.81 dated 12.05.2017, registered under Sections 147, 148, 149, 302, 323, 325, 120-B and 379-B of IPC at Police Station Siwani, District Bhiwani. The petitioner is in custody since his arrest on 19.07.2017.

The FIR was registered on the basis of complaint by Gulbeer son of Ran Singh and the allegations contained in it and noticed by Additional Sessions Judge, Bhiwani in the order dated 23.12.2021 read as under:-

“Brief facts of the prosecution case are that on 12.5.2017, police received an intimation that Mangal Singh was admitted in Government Hospital with the alleged history of sustaining injuries in a quarrel. When police reached the hospital, it was found that Satbir son of Ran Singh was brought dead in the hospital. The

doctor opined that Mangal Singh was not fit for making statement. The complainant Gulbir brother of deceased Satbir met the police party and got recorded his statement. It was stated by him that on 11.5.2017, he, his brother Satbir, Mangal Singh and Satpal were present at the hotel of Satbir. After having dinner, his brother Satbir and Mangal Singh were present in the hotel, whereas he and Satpal went for asleep on the terrace of the hotel. At around 2.00 a.m., he heard the noise of quarrel. He saw that Vikash and Vikram son of Satbir and Satbir son of Om Parkash, all residents of Gudha and 10-12 other unidentified boys were beating Satbir and Mangal Singh with sticks and iron pipe. All the assailants caused injuries to Satbir and Mangal Singh. He raised alarm on which the employees of the hotel reached there and they rescued Satbir and Mangal Singh from the clutches of the accused. Vikram and Vikas also snatched the chain, mobile phone and some cash amount from Satbir. Thereafter, the assailants fled away from the spot.”

Learned counsel for the petitioner has argued that there are total 14 accused persons and rest of the accused are on bail. As per the allegations, the petitioner gave an iron rod blow to the victim Satbir son of Ran Singh, whereas as per the prosecution, the victim had suffered 7 injuries. Learned counsel argued that the two material witnesses namely Mangal Singh and Satpal have not supported the prosecution case, therefore, further custody of the petitioner may not be necessary. Learned counsel for the petitioner further argued that though the complainant Gulbeer has

supported the case of the prosecution but his presence at the place of occurrence would be doubtful in view of the evidence of Dr. Neeraj Khatak (PW-13). He prays for bail.

The prayer of the petitioner is opposed by learned State counsel who is assisted by ASI Naresh Kumar, as well as learned counsel for the complainant., According to him, the case of the prosecution is based upon the statement of eye witness Gulbeer and the petitioner is specifically named in the FIR who participated in the crime resulting in the death of Satbir son of Ran Singh. Though, it is not disputed by him that the rest of the accused are on bail, but according to learned State counsel, the blow given by the petitioner resulted in the death of the victim. During the course of hearing, it is not disputed by learned State counsel that in all there are 30 witnesses and 12 witnesses still remain to be examined and they all are formal witnesses.

After hearing learned counsel for the parties and having gone through the background of the case, particularly the custodial period of the petitioner, this Court is of the opinion that as the material witnesses have already been examined by prosecution and co-accused of the petitioner have been released on regular bail, so the further detention of the petitioner behind the bars would not serve any useful purpose as the conclusion of the trial is likely to consume considerable time. The petitioner is presently confined in judicial custody and there does not appear to be any possibility of winning over the remaining witnesses.

Thus, without meaning any expression on the merits of the case, the present petition is allowed and it is ordered that the petitioner be released on regular bail in the above FIR on his furnishing bail bonds/surety

bonds to the satisfaction of the trial court/Duty Magistrate/Chief Judicial
Magistrate concerned.

(MANOJ BAJAJ)
JUDGE

22.08.2022
Maninder

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