

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

(I) **CRM-M-26652-2021 (O&M)**
Date of Decision:- 17.11.2022

Bhagat Singh @ Bhagta ... Petitioner

Versus

State of Haryana ... Respondent

(II) **CRM-M-29192-2022 (O&M)**

Raj Kumar ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kuldeep Sheoran, Advocate, for the petitioner
in CRM-M-26652-2021.

Ms. Alisha Soni, Advocate, with
Mr. Viren Jain, Advocate, for the petitioner
in CRM-M-29192-2022.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by PSI Nitin Tarar.

Mr. Arvind Singh, Advocate, for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the above mentioned two petitions wherein petitioners Bhagat Singh @ Bhagta and Raj Kumar, seek grant of regular bail in a case registered vide FIR No. 168, dated

13.6.2020, Police Station Sadar Hansi, District Hansi, Hisar, under Sections 147, 148, 149, 302 IPC (Section 120-B IPC added later on).

2. The FIR in question was lodged at the instance of Rajesh Kumar, wherein it is alleged that about 4 months back, Mandeep and Amit had entered into an altercation with his brothers and had given beatings to his brother Suresh, but the matter was subsequently compromised. However, Amit and Mandeep had been threatening his brother that they will not spare him. It is alleged that on 12.06.2020 at about 8:30 PM, he along with his brother Suresh went towards their fields after having meals. While on the way, they saw Mandeep, Amit, Bhagta son of Rajinder, Bhupender @ Kali son of Rajinder and Sunil accompanied by 2-3 other boys, who were inebriated and were carrying rods, sticks and axes in their hands. While the complainant's brother stayed in the fields situated near the village, the complainant proceeded towards their other fields which are about 10-12 killas away and slept there. On the next day, when the complainant came to their fields near the village, he saw the dead body of his brother lying there on a cot, which bore several injuries on his head and feet and there was blood all around. The complainant suspected that Mandeep, Amit, Bhagta, Kali, Sunil and 2-3 other boys had murdered his brother.
3. It is further the case of prosecution that subsequently after two days of lodging of the FIR, the complainant Rajesh got his supplementary statement recorded wherein he named three more persons i.e. Bhagat Singh @ Bhagtu (non-applicant), Sunder and Raj Kumar (petitioner).

4. Learned counsel for the petitioners has submitted that it is a case based totally on circumstantial evidence and that the prosecution mainly banked on “last seen” evidence in the shape of the statement of the complainant himself who during the course of trial has absolutely resiled from his statement.
5. Opposing the petition, learned State counsel has submitted that since the name of petitioner-Bhagat Singh @ Bhagta finds mentioned in the FIR and the name of the petitioner-Raj Kumar came to be mentioned in the supplementary statement of the complainant, their complicity is clearly evident. Learned State counsel has submitted that though the complainant has not fully supported the case of prosecution during the course of trial but it is apparently a case where the accused had been able to win over or intimidate the complainant. Learned State counsel has however, informed that the petitioners has been behind bars for the last more than 2 years and 4 months and while petitioner-Raj Kumar had been involved in 7 other cases out of which he stands acquitted in three of them and in the remaining four he was left off with admonishment being juvenile. It has also been informed that petitioner-Bhagat Singh@ Bhagta also stands involved in one more case under Section 323 IPC. It has been informed that as on date 4 out of the cited 26 PWs have been examined.
6. This Court has considered the rival submissions.
7. It is a case of blind murder based totally on circumstantial evidence. The prime witness of the prosecution i.e. the complainant has already been examined who has not supported the case of prosecution at all

regarding “last seen” evidence. The petitioners have been behind bars for a substantial period of more than 2 years and 4 months. Conclusion of trial is likely to consume time inasmuch as only 4 out of the cited 26 PWs has been examined till date. Two other co-accused namely Sunder and Bhagat Singh @ Bhagtu have already been granted bail by this Court. In these circumstances further detention of the petitioner will not serve any useful purpose. The petitions, as such, are accepted and the petitioners are ordered to be released on bail subject to their furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned..

8. A photocopy of this order be placed on the file of each connected case.

17.11.2022
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No