

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-11015 of 2022 in/ and  
CRM-M No.28041 of 2021  
Date of Decision: 04.04.2022

Dharmender @ Tej Singh

..... Petitioner

V/s.

State of Haryana

.....Respondent

**CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present: Mr. Ankur Lal, Advocate  
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

\*\*\*

**Avneesh Jhingan, J. (Oral)**

**CRM-11015 of 2022**

This is an application filed under Section 482, Cr.P.C. for placing on record the statements of the witnesses recorded before the trial Court.

The application is allowed, as prayed for.

**Main case**

The petitioner is seeking regular bail in case of FIR No.167 dated 12.08.2020 under Sections 302, 34, IPC and Section 3(2) of SC/ST Act registered at Police Station Rampura, District Rewari, Haryana.

The FIR was registered at the instance of Lali Devi, wife of Surajbhan (the deceased). As per the complainant, the deceased was suffering from mental illness and two months back he left his home. On 12.08.2020, the complainant came to know that the accused-Dharmender had consumed liquor with her husband and after causing injuries threw him in the street. Deceased was taken to the hospital but he was dead by then. During the investigation, the accused including the petitioner were arrested and their statements were recorded. The blood stained

soil and ash were collected from the house of the co-accused-Ashok. As per the

FSL report, the blood group could not be matched. After the arrest of the petitioner, at his instance a belt was recovered but the belt was not sent to FSL. Om Prakash and Pawan Kumar in their depositions made before the trial Court resiled from their statements made before the police.

Learned counsel for the petitioner submits that the petitioner is in custody since 12.08.2020. The investigation is complete and he is not involved in any other case. There is no evidence with the prosecution to connect the accused with the murder of the deceased. No motive is attributed to petitioner.

Learned State counsel while opposing the prayer submits that there were 22 injuries on the body of the deceased and the case is based upon last seen theory.

Having conspectus of facts, nature of recovery made at his instance, without commenting upon the merits of the case or on the depositions made by Om Parkash and Pawan Kumar, considering the custody period and that the conclusion of the trial is likely to take time, the petitioner is granted bail, subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

This Court exercises self restraint on making any further comment on the contentions raised by the learned counsel for the petitioner and the State, as it would influence the trial.

**4<sup>th</sup> April, 2022**

Sonia Puri

**(AVNEESH JHINGAN)  
JUDGE**

Whether Speaking/Reasoned  
Whether Reportable

Yes/No  
Yes/ No