

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

(I)

**CRM-45743-2022 in/and
CRM-M-26841-2022 (O&M)
Date of Decision:- 2.12.2022**

Shankar

... Petitioner

Versus

State of Haryana

... Respondent

(II)

**CRM-45745-2022 in/and
CRM-M-46847-2022 (O&M)**

Ashish

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Surinder Singh Duhan, Advocate, for the petitioner(s).

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Kuldeep.

GURVINDER SINGH GILL, J. (Oral)

**CRM-45743-2022 in CRM-M-26841-2022
and
CRM-45745-2022 in CRM-M-46847-2022**

In view of the reasons mentioned in the applications, the same are allowed and the matters are preponed from 10.2.2023 and are taken on Board today itself.

CRM-M Nos.26841 & 46847 of 2022 (O&M)

1. This order shall dispose of the above mentioned two petitions wherein petitioners Shankar and Ashish, seek grant of regular bail in a case registered vide FIR No. 449, dated 10.11.2020, Police Station Sadar Rohtak, District Rohtak, under Section 302 IPC (Sections 120-B, 34 IPC added later on).
2. The FIR in question was lodged at the instance of Joginder, wherein it is alleged that his father, namely, Azad used to sleep in a plot where their buffaloes were tethered. On the day of occurrence i.e. 10.11.2020 at about 5:00 Am, when he went to serve tea to his father Azad, his father was found dead and the dead body, which was lying on a cot, was found to be smeared with blood. It is further stated therein that there were injury marks on neck, which apparently had been caused with a *jaily* and there were also injury marks of *darati* on the legs and that the said *jaily* and *darati* were also found lying there smeared with blood. The complainant alleged that some unknown persons had killed his father during night.
3. On the next day i.e. 11.11.2020, the complainant's brother Amir Singh got his statement recorded, wherein he alleged that on the night intervening 09/10.11.2020, when he was proceeding to his house after attending to his personal work, he saw Shankar alongwith one more boy going from the street adjoining his house and later he came to know about the name of the boy as Ashish. He stated that he and other members of his family had made enquiries and found that since his father Azad Singh's name figured in one murder case about 37

years back i.e. murder of Ram Kishan, grand-father of Shankar, it was on account of the said grudge, Shankar and Ashish alongwith their companions and other members of the family, namely, Sahil, Parvesh, Ankit @ Rahul @ Lovely, Aashish @ Khatri, Rohit @ Baba, Suresh had murdered his father.

4. Learned counsel for the petitioners has submitted that they have falsely been implicated in the present case and that when the complainant as well as complainant's brother Amir Singh who in his statement recorded under Section 161 Cr.P.C. had stated that he had seen the deceased in the company of the present petitioners, were examined during the proceedings of trial, they absolutely resiled. Learned counsel in this context has drawn the attention of this Court to statements of PW-1 Joginder (complainant) and of PW-2 Amir Singh who have both given a clean chit to the petitioners.
5. Opposing the petition, learned State counsel has submitted that the petitioners are specifically named in the statement of son of the deceased who has now apparently been won over by the accused and that as such they do not deserve the concession of bail. It has been informed that the petitioners have been behind bars since the last more than 2 years and that the material PWs already stand examined. It has also been informed that the petitioner Ashish stands involved in 2 more cases in respect of offence under Section 379 IPC.
6. This Court has considered the rival submissions.
7. Admittedly it is a case based on circumstantial evidence. The star witness of the prosecution is Amir Singh who allegedly had seen the

deceased in the company of the petitioners. However, when the said witness was examined during the proceedings of trial, he categorically stated that the accused are not the persons who were seen in the company of the deceased and that they had not committed the murder of his father. The petitioners otherwise have been behind bars for a substantial period of more than 2 years. In these circumstances further detention of the petitioners will not serve any useful purpose. As such, both the petitions, 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.

02.12.2022
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(GURVINDER SINGH GILL)
JUDGE

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