

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

CRM-M-31310-2021 (O&M)
Date of Decision:-16.3.2022

Sunil @ Golu

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rajesh Khandelwal, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by SI Suresh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.168 dated 13.6.2020, Police Station Hansi Sadar under Sections 147, 148, 149, 302 of Indian Penal Code, wherein offence under Section 120-B IPC was 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. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case and that it is infact a case based on circumstantial evidence where there is no convincing evidence to connect the petitioner with the occurrence in question. Learned counsel has further submitted that the petitioner, in any case, deserves the concession on grounds of parity as co-accused Bhagat Singh @ Bhagtu as well as co-accused Sunder have been granted bail by this Court.
4. On the other hand, learned State counsel has vehemently opposed the petition and has submitted that it is a case where the petitioner is specifically named in the FIR and that the petitioner had got recovered the blood stained stick, blood stained clothes as well as the motorcycle used in the occurrence and that upon chemical examination of the blood stained stick, the blood was found to match with the blood of deceased. It has been submitted that, in these circumstances, the complicity of petitioner is clearly evident. Learned

State counsel has further submitted that the petitioner cannot claim any parity with the case of co-accused Bhagat Singh @ Bhagtu inasmuch as he was nowhere named in the FIR and the Bhagtu named in the FIR was found to be a person with a different parentage. It has also been submitted that the other co-accused Sunder, who had been granted bail by this Court, is also on different footing inasmuch as he is also not named in the FIR. Learned State counsel has informed that as on date only 2 out of the cited 26 PWs have been examined and that the complainant is yet to be examined. It has also been informed that the next date fixed before the Trial Court for recording prosecution evidence is 10.5.2022.

5. I have considered rival submissions addressed before this Court.
6. It is no doubt correct that it is a case based on circumstantial evidence but the fact that the police during the course of investigation has been able to collect some evidence, which would show the complicity of the petitioner. As submitted by learned State counsel, the petitioner cannot take any advantage from the fact that some co-accused have been granted bail on account of the fact that the said co-accused are not identically situated. The petition, as such, is sans merit and is hereby dismissed at this stage.
7. It is, however, clarified that in case there is inordinate delay in conclusion of trial, it shall always be open to the petitioner to approach this Court again.

16.3.2022

pankaj

**(Gurminder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No