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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-32018-2022 in/and
CRM-M-28714-2022 (O&M)
Date of Decision:02.09.2022

Hakikat

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Abhinav Sood, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

CRM-32018-2022

The instant application is for pre-poning the date of hearing of the main petition to an early date.

Notice in the application.

At this stage, Mr. Sukhdeep Parmar, DAG, Haryana, accepts notice on behalf of the respondent-State and does not oppose the prayer.

Application is allowed and the date of hearing is pre-poned to today.

CRM-M-28714-2022 (O&M)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.355 dated 17.12.2020 registered under Sections 302, 201 and 120-B IPC, 1860 and Section 25 Arms Act, 1959 at Police Station Safidon, District Jind. The petitioner is in custody since his arrest on 09.01.2021.

The FIR was registered on the basis of statement given by Bala Devi and the allegations as noticed by the ld. Addl. Sessions Judge, Jind in the order dated 07.06.2022 are as under:

“In brief the facts of the prosecution case are like that the FIR in the present matter was registered on the basis of statement suffered by one Bala Devi wife of Balwan Singh, resident of village Sahanpur (hereinafter referred as complainant) before the police on 17.12.2020. In brief, the complainant alleged in the statement that she is household lady. She was having three sons out of which the eldest expired in the year 2014. Younger to him is Hakikat and youngest was Tejbir. In the year of 2020 one Pardeep son of Randhir, resident of village Sahanpur has levelled allegations on the son of the complainant namely Tejbir that his wife was enticed away by Tejbir. The FIR in this regard was also registered at P.S. Safidon. However, after about four months Sushila came back at her house but after some days she again went away Pardeep again levelled allegations against Tejbir that he has taken away his wife.

On 17.12.2020, the complainant and her son Tejbir at about 6.00 P.M. were going to Hatchery from their house. She was about two steps behind her son. When they were about 20 steps away from the Bus shelter at Nimnabad road then Satish son of Ran Singh, Tejbir son of Ran Singh and Chain Singh son of Ram Swaroop caught hold the son of the complainant. At that time Parkash son of Ram Sawroop, Randhir son of Ram Sawroop, Pardeep son of Randhir, Karma son of Ram Sawroop, Bhira son of Ram Sawroop shouted to kill him. Then Satish, Tejbir and Chain Singh killed her son with firing the shot on him due to old grudge and ran away. On raising alarm by the complainant, her son Hakikat came on the spot and he has also seen all the accused running away. Tejbir was taken to hospital at Safidon by arranging a vehicle by Hakikat but there he was declared brought dead. Action may be taken against the accused.”

Learned counsel for the petitioner has argued that the petitioner is brother of Tejbir s/o Balwan Singh (deceased) and the alleged occurrence of Tejbir's murder was witnessed by the mother, namely, Bala Devi (complainant), who had given the names of the assailants in the FIR as well as the motive that the victim Tejbir was having illicit relations with Sushila.

On the day of occurrence, the accused persons, namely, Parkash s/o Ram

Sawroop, Randhir s/o Ram Sawroop, Pardeep s/o Randhir, Karma s/o Ram

Sawroop, Bhira s/o Ram Sawroop stopped her son Tejbir s/o Balwan Singh near bus shelter and he was killed by Satish s/o Ran Singh, Tejbir s/o Ran Singh and Chan Singh s/o Ram Swaroop. He submits that the petitioner is not named in the FIR and the assailants named in the FIR were found to be innocent, therefore, the case of the prosecution is founded upon circumstantial evidence. He prays for bail.

Learned State counsel assisted by ESI Roshan Lal has opposed the prayer that the petitioner was against his brother's illicit relations with Sushila and for this reason, he hired the co-accused, namely, Hari Om @ Lucky and Sunil @ Sinha in order to commit the crime. In this regard, he has pointed out that the co-accused of the petitioner were arrested in some other case, wherein they suffered disclosure statement relating to commission of this crime. He has argued that as per FSL report, the weapons recovered from those co-accused were used in commission of this offence.

After hearing the learned counsel for the parties, considering the gravity of the offence and the fact that the material witnesses, namely, Sushila is yet to be examined, this Court without meaning any expression of opinion on the merits of this case, does not find it to be a fit case for releasing the petitioner on regular bail at this stage.

Dismissed.

02.09.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No