

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

CRM-M-56696-2022 (O&M)
Date of Decision:-12.12.2022

Sunil @ Golu

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kuldeep Sheoran, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by PSI Pardeep Kumar.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.168, dated 13.6.2020, Police Station Sadar Hansi, District Hansi, Hisar, 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 submits that the petitioner has been falsely implicated in the present case and that it is a case based totally on circumstantial evidence and there is no eye-witness to the alleged occurrence. Learned counsel has further submitted that identically situated co-accused namely Bhagat Singh @ Bhagta, whose name also finds mentioned in the FIR, has already been granted bail by this Court vide order dated 17.11.2022 passed in CRM-M-26652-2021 and, as such, the petitioner also deserves the same concession on grounds of parity. Learned counsel has further submitted that since the complainant Rajesh Kumar has already been examined and has turned hostile, no useful purpose would be served by detaining the petitioner behind bars for an indefinite period.
4. Opposing the petition, learned State counsel has submitted that it is apparently a case where the petitioner has got the complainant intimidated and that since the name of the petitioner figures in the FIR, his complicity is clearly evident. Learned State counsel has, however, informed that the

petitioner as on date has been behind bars since the last about 2½ years and is not involved in any other case.

5. This Court has considered the rival submissions.
6. It is not in dispute that it is a case based totally on circumstantial evidence. The complainant Rajesh Kumar has been examined during the proceedings of trial, who has not identified the petitioner to be the accused. The petitioner otherwise has been behind bars for a substantial period of 2½ years and enjoys a clean record. Identically situated co-accused namely Bhagat Singh @ Bhagta has already been granted bail by this Court vide order dated 17.11.2022 passed in CRM-M-26652-2021 (Annexure P-3). In these circumstances, further detention of the petitioner will not serve any useful purpose as conclusion of trial is likely to consume time. The instant petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

12.12.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No