

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-2897-2023

Date of Decision:-24.01.2023

Seetu @ Surrender.

.....Petitioner.

Versus

State of Haryana.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. S.S. Mor, Advocate for the Petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.187 dated 25.05.2022 under Sections 120-B, 447 IPC (Sections 195-A and 506 IPC added later on) registered at Police Station Bawani Khera, District Bhiwani, Haryana.

2. The present FIR came to be registered at the instance of Raj Kumar son of Maha Singh who stated that in the year 2017 Anand @ Bablu and his companion had murdered his (complainant's) *Chacha* Bhale Ram and his (complainant's) brother Baljit. Anand @ Bablu was confined in jail and had got his (complainant's) brother Pawan murdered from inside the jail. Thereafter in the year 2020 Anand @ Bablu in connivance had murdered his (complainant's) uncle Sube Singh by firing upon him. On 26.06.2021 Anand @ Bablu in conspiracy with an intention to kill him (complainant) got some person to fire at him (complainant) and he received firearm injury. He along with his family had sown their agricultural land at village Badesra but Anand @ Bablu hatched a conspiracy in the jail and Seetu (petitioner), Mohinder, Bua son of Anand and Bhoop and Jagmat in

connivance with each other cultivated his (complainant's) land as they wanted to take possession of the same. He was also threatened to compromise in the aforementioned cases or he would be killed. Now he had come to know that about 7/8 days ago Mohinder, Seetu etc had cultivated his land and had tried to take possession over the same. Strict action was sought.

3. The Counsel for the petitioner contends that a false story has been concocted implicating the petitioner in the present case. In fact the complainant as well as the petitioner are from the same village and due to political rivalry/party faction between the parties the present FIR has been registered. No occurrence as alleged had actually taken place. Initially the FIR had been registered under Section 447 and 120-B IPC but subsequently Section 195-A and 506 IPC were added to make the offence more grave. Since the petitioner was in custody since 06.07.2022, none of 19 prosecution witnesses had been examined so far and he was a first time offender, he was entitled to the grant of bail.

4. The Counsel for the State on the other hand contends that the allegations as levelled in the FIR did not entitle the petitioner to the grant of bail. He however, admits the period of custody undergone by the petitioner, the number of witnesses to be examined during the course of trial as also the fact that the petitioner has clean antecedents.

5. I have heard learned Counsel for the parties.

6. In the present case, though the narration in the FIR pertains to allegations against Anand @ Bablu, however, in the present case the FIR only stands registered under Section 447 and 120-B IPC, Section 195-A and 506 IPC have been added later on. None of the 19 prosecution witnesses have been examined so far and the petitioner is a first time offender. As such since the Trial of the present case is not likely to be concluded any time soon, the further incarceration of the petitioner is not required.

7. Thus, without commenting on the merits of the case, the petitioner-**Seetu @ Surender** son of Sh. Dayanand is ordered to be released on bail subject to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and

inform in writing that he is not involved in any other crime other than the present case.

9. If the petitioner or his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this order.

10. In addition, the petitioner (or any person on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited in accordance with law in case of the absence of the petitioner from the Trial without sufficient cause.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

January 24, 2023
Vinay

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No