

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-31680-2023 (O&M)
Date of decision: 04.09.2023

Bhagat Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. S.K. Garg Narwana, Senior Advocate with
Mr. Vishal Garg Narwana, Advocate and
Mr. Nitin Bansal, Advocate for the petitioner.

Ms. Ankita Ahuja, AAG Haryana.

Mr. Deepak Grover, Advocate for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

1. The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 150 dated 20.06.2020 registered under Sections 302, 34 IPC and Section 25 of the Arms Act, at Police Station Mundkati, District Palwal, Section 34 IPC has been deleted.

2. Learned Senior Counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that though the allegation against the petitioner is that he along with other co-accused, committed the murder of Satish on 19.06.2020, yet the fact remains that the petitioner is the first cousin brother of Satish (since deceased) and had leased out his 13/14 acres of land to Satish (since deceased) for the purposes of cultivation and that when the land was got back through an intervention of the Panchayat, deceased (Satish) had started nurturing a grudge against the

petitioner; that the alleged recovery shown to have been effected from the petitioner is a planted one and there is no private witness(es) to authenticate the allegations of the prosecution; that as per the complainant, 2-3 accused persons were involved in the murder of his brother Satish, whereas eye-witness Piyush has made a statement that only one person was involved in the incident; that the said versions are contradictory to each other; that at one stage, the investigation agency had approached complainant-Yogesh Kumar for recording of his statement and he stated that he would get it recorded after consultation with his family members; that the complainant in his cross-examination stated that he had not seen anyone causing fire arm injury to Satish at the spot; that the petitioner has been in custody since 23.06.2020 and that out of 20 prosecution witnesses, 04, including the material witnesses, have been examined.

3. Learned Senior Counsel for petitioner further states at bar that if the petitioner jumps the bail without any cogent or valid reason, then apart from initiating appropriate legal action against him, his land may be confiscated.

4. Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner along with other co-accused had committed the murder of Satish-brother of the complainant and a country-made pistol has been recovered from the petitioner. It is further submitted that as per the FSL report, the bullet of the recovered country-made pistol has matched with the one recovered from the body of Satish (since deceased). However, she

does not dispute the custody period of the petitioner. She further submits that some of the material witnesses are yet to be examined.

5. I have heard the learned counsel for the parties.

6. As noticed above, as per FSL Report, the bullet recovered from the body of the deceased (Satish) has matched with that of the country made pistol, recovered from the petitioner. The petitioner has been in custody for last more than 3 years and only 4 out of 20 prosecution witnesses, have been examined thus far. No further recovery is to be effected from the petitioner. The trial would, thus, take a long time to conclude and, no useful purpose would be served by keeping the petitioner behind the Bars.

7. In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

8. It is made clear that in case, the petitioner jumps the bail or does not appear before the trial Court on the date(s) fixed, then his bail would stand automatically cancelled besides initiation of appropriate proceedings against him, as per law.

(HARNARESH SINGH GILL)
JUDGE

04.09.2023
Mangal Singh

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