

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-57715-2022

Date of Decision: 3.5.2023

Surender alias Chhotu

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Piyush Aggarwal, Advocate
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

KARAMJIT SINGH, J. (Oral)

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.154 dated 4.6.2021 registered for the offences punishable under Sections 302, 201, 34 IPC and Section 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act at Police Station Salhawas, District Jhajjar.

2. The allegations in brief are that on 4.6.2021, complainant-Sanjay reported to the police that on 4.6.2021 at about 1/2:00 a.m., his brother Anil, relative Pawan and one Kale left the house for fishing in a pond. Thereafter, on the same morning, at about 4/5:00 a.m., aforesaid Pawan came to the complainant and informed him that Anil has been caught by some persons near the pond and they assaulted and caused injuries to Anil while Pawan and Kale succeeded in escaping from there. On receiving the said information, the complainant along with his relative reached the

aforesaid pond where Anil was found lying unconscious and then he was taken to Government Hospital, Jhajjar where the concerned doctor declared him dead.

3. During investigation, the petitioner was arrested on 20.6.2021.

4. Counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case and is in custody for the last more than 1 year and 10 months. He further submits that during trial, complainant-Sanjay and other material witnesses have not supported the case of the prosecution and copies of their testimonies are Annexures P-3 to P-6. He further submits that on this very ground, co-accused Ajay Singh Kundu has been granted anticipatory bail by this Court vide order dated 27.1.2023 in CRM-M-44672-2022. He further submits that it will take considerable time for the trial to conclude. So, prayer is made that the petitioner be released on bail.

5. Present petition is resisted by the State counsel who submits that the petitioner was named as accused on the basis of the statement made by Kale @ Ram Pal and arrested on 20.6.2021 and during investigation, the petitioner got recovered one wooden stick. However, the State counsel on instructions from DSP Naresh Kumar has not disputed the fact that during trial, complainant-Sanjay and aforesaid Kale @ Ram Pal and other PWs are examined but they have not supported the case of the prosecution but it will take time for termination of the trial.

6. I have considered the submissions made by the counsel for the parties.

7. In view of the fact that material witnesses have already resiled from their previous statements, no useful purpose is going to be served by

keeping the petitioner in custody for any further period.

8. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

May 3, 2023
Paritosh Kumar

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