

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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CRM-M-61015-2022 (O&M)

Date of decision: 02.03.2023

Satbir

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

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

Ms. Tanushree Gupta, DAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Prayer in this 2nd petition is for grant of regular bail to the petitioner in case bearing FIR No. 632 dated 24.10.2020 registered under Sections 302, 34 IPC and later on added Section 3(2)(v) of the SC & ST Act, 1989, at Police Station Camp Palwal, District Palwal.

Status report by way of affidavit dated 17.02.2023 of the Deputy Superintendent of Police, Palwal, already filed in the Registry is taken on record.

Learned counsel for the petitioner very fairly submits that the earlier bail petition was dismissed as withdrawn on 19.04.2022; that the petitioner was not named in the FIR, which was registered on the complaint of Teeka Ram; that Dharmender @ Mahender (since deceased) was the nephew of the complainant; that the petitioner was indicted in the present case on the basis of supplementary statement dated 20.11.2020 of Reena-wife of

the deceased, whereas, the petitioner was not named by her in the first statement recorded on 24.10.2020; that Reena (PW-3) and Om Parkash (PW-4), father of the deceased, have not supported the prosecution version; that it is a case of blind murder and there is no eye witness; that the alleged recovery of Stick (*Danda*) was planted on the petitioner; that there is no other pending or decided case against the petitioner; that out of 17 prosecution witnesses, only 05 have been examined so far and that the petitioner has been in custody since 25.10.2020.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner has actively participated in the crime. The deceased was the Driver of co-accused Ajit, but instead of paying him the salary, he was murdered by the petitioner along with other co-accused. However, she does not dispute the custody period of the petitioner and that there is no other case against the petitioner. She submits that though out of 17 prosecution witnesses, 05 have been examine, but some material witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 25.10.2020. The petitioner was not named in the FIR, he was also not named by Reena, wife of the deceased in her first statement recorded on 24.10.2020, he was indicted by her in the supplementary statement recorded on 20.11.2020. Reena (PW-3) and Om Parkash (PW-4), father of the deceased, have not supported the prosecution version. There is no eye witness in the present case. Remaining 12 prosecution witnesses are yet to be examined. Moreover, there is no other case against the petitioner. Therefore, the conclusion of the trial would take

time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

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.

(HARNARESH SINGH GILL)
JUDGE

02.03.2023
Mangal Singh

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