

CRM-M-3844-2024 (O&M)  
CRM-M-4890-2024 (O&M)  
CRM-M-27247-2024 (O&M)

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2024.PHHC.134094



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

231+232+249

Date of Decision:- 14.10.2024

1. CRM-M-3844-2024 (O&M)

GOVINDA @ BINDA

...Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

2. CRM-M-4890-2024 (O&M)

SUKHWINDER RAM ALIAS CHUCHU

...Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

3. CRM-M-27247-2024 (O&M)

MANJEET

...Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Suraj Bhan Panchal, Advocate  
for the petitioner in CRM-M-3844-2024.

Mr. Vipin Kumar, Advocate  
for the petitioner in CRM-M-4890-2024.

Mr. Chander Pal Tiwana, Advocate  
for the petitioner in CRM-M-27247-2024.

Mr. Surender Singh, A.A.G. Haryana.  
Mr. Ramender Singh Chauhan, AAG Haryana.

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**SANJIV BERRY, J. (ORAL)**

1. Vide this common order, the above-mentioned three bail petitions shall be decided as they arise out of the same FIR.
2. The instant petitions have been preferred by the petitioners under Section 439 CrPC for grant of regular bail to the petitioners in the following case :-

| FIR No. | Dated      | Sections                                                                        | Police Station             |
|---------|------------|---------------------------------------------------------------------------------|----------------------------|
| 116     | 27.07.2023 | 394 and 397 IPC;<br>(Section 392 IPC replaced with<br>Sections 394 and 397 IPC) | Siwan, District<br>Kaithal |

3. It is, *inter alia*, contended by learned counsel representing the petitioners that the petitioners are innocent and have been falsely implicated in this case. They submit that as per the case of prosecution there was only the victim sitting in the liquor vend at the time of alleged occurrence and the petitioners are not visible in the CCTV footage but have been nominated on the statement of one Anoop Singh, who was not anywhere stated to be near the place of occurrence. Petitioner-Govinda @ Binda is in custody since 07.08.2023, petitioner-Sukhwinder Ram alias chuchu is in custody since 03.08.2023 and petitioner-Manjeet is in custody since 10.12.2023. They contend that the possible recoveries have been allegedly effected from the petitioners and they are not required for further investigation as the challan has already been presented in Court. They contend that no specific overt act has been attributed to the petitioners and all the injuries on the person of victim have been found to be simple in nature except for one injury on the



finger of victim. They submit that the conclusion of trial is likely to take sufficient long time, hence, prayed for grant of bail to the petitioners.

4. *Per contra*, learned State counsel while referring to the respective replies submitted by the State have assailed the arguments advanced by learned counsel representing the petitioners and stated that there are specific allegations against the petitioners of having looted the liquor vend after causing injuries to the victim-Budh Ram. They admitted that the injuries on the person of the victim/complainant were found to be simple in nature except for one injury on the finger, which was found grievous in nature. They further admitted that after the completion of investigation, challan has already been presented in the Court and none of the witnesses have yet been examined.

5. Heard learned counsel for the parties and perused the record.

6. After considering the rival contentions and perusing the record, it transpires that the instant case was registered by the Police on the complaint of Budh Ram to the effect that on 26.07.2023 at about 10:15 PM, when he was taking meal in the liquor vend, where he was working as salesman, one unknown person came inside the liquor vend and called his two accomplices, who were armed with *gandasi* and Ice-pick (a sharp edged tool used to break ice-bricks). The accused attacked the complainant and snatched ₹25,000/- lying in the cashbox and ran away on their motorcycle.

7. From the perusal of record, it transpires that none of the petitioners were named in the FIR and even in the CCTV footage, their faces are not visible. It is the case of the prosecution that the petitioners have been



nominated on the statement of one Anoop Singh, but the perusal of the FIR would reveal that there is no mention regarding the presence of said Anoop Singh at the place of occurrence, as it has been stated that the injured/complainant was sitting alone and taking meal at the relevant time. It is worth to mention here that so far as the criminal antecedents of the petitioners are concerned, petitioner-Sukhwinder Ram alias Chuchu is not having any other criminal case, while petitioner-Manjeet is having one more criminal case, wherein he is on bail and in one case he has been acquitted and petitioner-Govinda @ Binda is having 4 other cases, however, he is on bail therein. The criminal liability, if any, of the petitioners, could only be determined after the conclusion of trial, which may take sufficient long time as no witness has been examined by the prosecution, despite the petitioners being in custody for long period. Moreover, as stated above, no specific overt act is attributed to any of the petitioners. Therefore, in the circumstances, no purpose would be served by detaining the petitioners any longer.

8. Consequently, without commenting on the merits of the case, the present petitions are allowed. The petitioners are ordered to be released on bail subject to their furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

9. Any observation made above shall not be construed as opinion

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of this Court on the merits of the case.

10. Pending miscellaneous application(s), if any, stand disposed of.

(SANJIV BERRY)  
JUDGE

14.10.2024  
S.Sharma(syr)

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|-----|----------------------------|--------|
| i)  | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable?        | Yes/No |