



CRM-M-6525-2024 (O&amp;M)

**226 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**CRM-M-6525-2024 (O&M)  
Decided on : 10.07.2024

Nirmal Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

**CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**Present : Mr. Vishal Aggarwal, Advocate  
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

Mr. Gaurav Datta, Advocate  
for the complainant.

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**Manjari Nehru Kaul, J.(Oral)****CRM-27012-2024**

Application is allowed as prayed for and FSL Report  
(Annexure P-10) is taken on record subject to all just exceptions.

**Main case**

1. This is the petition filed by the petitioner seeking  
concession of regular bail in case FIR No.68 dated 19.05.2023 under  
Sections 302 and 201 IPC registered at Police Station Siwan District  
Kaithal.

2. While drawing the attention of this Court to the FIR in  
question, which has been annexed as Annexure P-1, learned  
counsel for the petitioner has submitted that it is evidently a case



CRM-M-6525-2024 (O&M)

resting on circumstantial evidence; the deceased was found lying dead with injuries on his head in a ditch. No suspicion was raised qua the involvement of any person much less the petitioner by the complainant at the time of lodging of the FIR and rather it had been alleged that some unknown person on entering the house of deceased brother had killed him while he was sleeping on his cot and thereafter out of fear on being caught had disposed of the dead body by throwing it into a ditch. Learned counsel has thus, submitted that it is but obvious that the complainant, who is the brother of not only the deceased but also the petitioner, has come out with a fabricated version, as later on, while getting his statement recorded under Section 161 Cr.PC the complainant nominated him as an accused as the relations between the three including the deceased were strained on account of the distribution of land/property. Learned counsel has still further submitted that as per the statement recorded under Section 161 Cr.PC, the complainant stated that on the fateful night when the deceased was done to death by some unknown persons, he had seen the petitioner moving around in the neighbourhood with a hammar in his hand and hence, he suspected his involvement in the crime in question; the mother of the complainant (as well as the deceased), who too was stated to be a witness of last seen, had been given up by the prosecution. It has also been submitted that all the material witnesses including the



CRM-M-6525-2024 (O&M)

complainant and other family members of the deceased already stand examined. Hence, there can be no apprehension of the petitioner tampering with evidence or trying to intimidate or influence the witnesses. In the circumstances, further incarceration of the petitioner, who has now been in custody since 20.05.2023, would serve no useful purpose.

3. Per contra, learned State counsel assisted by counsel for the complainant has opposed the prayer made by learned counsel for the petitioner. Learned State counsel, on instructions from SI Naresh Kumar, though has not disputed that it is a case resting on circumstantial evidence and no suspicion was raised qua the involvement of any person much less the petitioner in the murder of the deceased Sahab Singh, however, during investigation, after the complainant's statement under Section 161 Cr.PC was recorded, weapon of offence i.e. hammar was recovered from none other than the petitioner, besides blood stained clothes and bedding of the deceased. In addition, the cycle rickshaw, which was used by the petitioner to transport the dead body of the deceased, was also recovered from the petitioner; further, the tyre tracks of the cycle rickshaw matched with the plaster mould, which was retrieved from the scene of crime.

4. Learned State counsel on instructions has however not disputed the stage of the trial and also the factum of all the material witnesses having been examined by the trial Court. It has also not



CRM-M-6525-2024 (O&M)

been disputed by the State counsel that the petitioner is not involved in any other criminal case.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. Before proceeding further, it would be apposite to reproduce the contents of the FIR in question, which are as under:

*“Statement of Baldev Singh son of Mahinder Singh resident of Dera Gobindpura Kangalthali, aged about 50 years, mobile No.9991896580. "It is stated that I am resident of the above mentioned address. I am a farmer by profession. We are 3 brothers and 3 sisters. We 5 brothers and sisters are married and our brother Sahab Singh alias Sabba has not been married as per religious rites and ceremonies and he is not having any children. I am the eldest in all my brothers and sisters. Nirmal Singh is on the 4<sup>th</sup> eldest and Sahab Singh is the 5<sup>th</sup> eldest. We all three brothers are residing separately. My father owned 5 acre and some marlas land. My father during his lifetime transferred 2 acres and some marlas land to Nirmal Singh and 2 acre and 16 marlas land in the name of Sahab Singh. He had transferred 4 Kanals land in my name and 2 Kanals land in the name of my mother. Since I was given less share than my brothers, many times panchayat was convened in presence of relatives. Upon which Nirmal Singh had given possession of 4 Kanals of land to me. But he did not transfer the said land in my name. Because of this there were strained relation inter se us all three brothers. For 10/12 days, Sahab Singh was at home. Yesterday evening Sahab Singh had got prepared mango pickle from our mother. Today on 19.05.2023 at about 7/8 o'*



CRM-M-6525-2024 (O&amp;M)

*clock in the morning I came to know that the dead body of Sahab Singh is lying in a ditch which was formed due to the sinking of land around the well which had gone dry. I reached there along with all the persons of our dera. Upon reaching there I saw that some unknown person had given injuries on the head of my brother with a deadly weapon yesterday night out of some enmity and killed my brother. I looked around the spot and even enquired from his house about the same. I found that some unknown person by entering the house of my brother killed him while he was sleeping on his cot by giving injuries on his head with a deadly weapon and out of fear of getting caught and to dispose the dead body by put it in something then threw it in the old ditch near the old well in the farm of Trilok Singh son of Saroop Singh resident of Kangtahli near the Satha Kangtahli road for hiding the same. I do not have suspicion on anyone about the same. Some unknown persons have killed my brother by giving injuries on his head with some deadly weapon because of some enmity. Legal action be taken against these persons and me and family be given justice and postmortem of my brother be got conducted. I have got recorded my statement with my free will without any pressure or coercion. I have got my above statement recorded at the spot, heard it and the same is correct.”*

7. In the facts and circumstances of the case, which is based on circumstantial evidence coupled with the fact that the petitioner has been in custody since 20.05.2023 with all the material witnesses examined, no useful purpose would be served in keeping the petitioner behind bars as 18 prosecution witnesses still remain to be examined.



CRM-M-6525-2024 (O&M)

This Court, therefore, deems it fit to extend the concession of regular bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

10.07.2024  
sonia

(MANJARI NEHRU KAUL)  
JUDGE

|                            |        |
|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether reportable :       | Yes/No |