

2024:PHHC:083874



S. No.209

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

CRM-M-9644 of 2024

Date of Decision:08.07.2024

Zile Singh @ Jile Singh

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Gaurav Datta, Advocate and
Mr. Vaibhav Bhargav, Advocate
for the petitioner.

Mr. Rajbir Singh, DAG, Haryana.

DEEPAK GUPTA, J. (Oral)

In compliance of the order dated 22.04.2024, learned State Counsel has placed on record a copy of the post mortem report.

2. Learned counsel for the petitioner submits that he had moved an application before the Registry to place on record the testimony of PW Ajay. Though that application has not been listed by the Registry but learned counsel has placed on record copy thereof before this Court.

3. By way of present petition filed under Section 439 Cr.P.C., petitioner prays for grant of regular bail in case FIR No.1083, dated 08.12.2022 registered under Section 302 IPC at Police Station City Sirsa, District Sirsa.

4. As per the prosecution allegations, Virender son of Harphool was admitted in Agroha Medical College on account of head injury. Police reached the hospital and found that Virender had already expired. Smt. Silochna, the wife of deceased got recorded her statement as per which she had come to know that her



husband Virender had gone to her mother-in-law Taro and that as per the information received by her, a scuffle had taken place on 06.12.2022 between her husband Virender (deceased) and brother-in-law (Jeth) Zile Singh (petitioner) on account of some financial dealings wherein the petitioner – Zile Singh had hit a brick bat on the head of her husband. Her mother-in-law had taken Virender to General Hospital, Sirsa from where he was referred and taken to Agroha Medical College and where her husband succumbed to the injuries.

5. During investigation, the petitioner was arrested on 10.12.2022. The brick bat used in the crime was recovered from him. After completion of investigation, challan was filed.

6. It is contended by learned counsel that the petitioner has been falsely implicated; that neither the alleged eye witness Taro, the mother of the deceased nor another eye witness Ajay has supported the prosecution case.

7. Learned counsel has drawn attention towards statement of Smt. Taro, who was examined before the trial Court as PW1, as per which her son Virender had fallen down due to overdose of liquor. She was turned hostile and permitted to be cross-examined by the prosecution but nothing could be elicited so as to support the prosecution version. Similar is the statement of another alleged eye witness, namely, Ajay son of Raghbir alias Randhir as per whom also, his maternal uncle Virender had fallen on the road in drunken condition and sustained injuries. This witness has specifically stated that his another maternal uncle – Zile Singh i.e. petitioner did not cause any injury to Virender.



8. Learned State Counsel concedes the fact that there is no other eye witness of the occurrence.
9. As per the custody certificate placed on record, the petitioner is in custody for the last 01 year 06 months and 25 days. He is not involved in any criminal case. Further trial of the case may take long time to conclude.
10. Having regard to the all the afore-said facts and circumstances of the case, but without commenting anything on the merits of the case, the present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned, on usual terms and conditions.

July 08, 2024
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No