

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

Date of Decision:-15.04.2024

CRM-M-9796-2024

Virender @ Binder.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

AND

CRM-M-11490-2024

Sumit.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Yashveer Kharb, Advocate for the Petitioner
(in CRM-M-9796-2024).

Mr. Ravinder Singh Dhull, Advocate for
Mr. Robin Lohan, Advocate for the Petitioner
(in CRM-M-11490-2024).

Mr. Kanwar Sanjiv Kumar, Assistant Advocate General,
Haryana.

JASJIT SINGH BEDI, J.(ORAL)

By this common order I shall dispose of both the
aforementioned petitions as the same have arisen out of one and the same
FIR.

2. The Prayer in these petitions under Section 439 Cr.PC is for the

grant of regular bail in case FIR No.293 dated 16.08.2022 under Sections 302 and 34 IPC registered at Police Station Safidon, District Jind.

2. The present FIR came to be registered at the instance of Karambir Singh which reads as under:-

“ 12. First Information Contents: Statement of Karambir Singh son of Sh. Sube Singh caste Valmiki resident of village Karshindhu, aged 47 years, Mobile No. 99912-65416 stated that I am resident of above-mentioned address. I am watchman of the village. At around 2 pm I came to know that blood is oozing out beneath the door of house pertaining to Ex- Sarpanch Chander Singh Jaat at Khede Wali Gali of the village and smell is coming. Upon reaching at the house of Ex- Sarpanch Chander Singh I noticed that the blood was oozing out beneath the door and when I glanced inside from the window then I saw that one man was lying on the ground who was coated with blood then a number of village people came there in the street. One among them had called 112 vehicle of which you had come on the spot. The house in which the dead body is lying pertains to the Ex-Sarpanch of the village Chander Singh Jaat son of Hari Singh Jaat. Chander Singh had passed away since 10 years. Entire family of Chander Singh resides in Karnal from past many days. Chander Singh possesses 16/17 acers of land. Now son of Chander Singh son Virender @ Binder gives his land on lease and seldom visits to village and use to stay in his house. On Sunday also I had seen Binder along with 1-2 boys in the village. Now I had seen the dead body in room of the house accompanying with you. This dead body does not pertain to any one from the village. Upon seeing the dead body it seems that some unknown persons had killed him by inflicting him injuries.

That this Bullet motor-cycle no. HR-31K-2456 is standing in the street this pertains to Virender @ Binder. Legal action must be taken against the unknown persons. I had deposed my statement to you on the spot, heard it and is correct. Sd/ Karambir."

3. The Counsels for the petitioners contend that all the 05 material witnesses namely, Karambir complainant PW-1, Rekha PW-2, Vikram PW-3, Goverdhan PW-4 and Bhawani Shankar PW-5 have been examined and have not supported the case of the prosecution and have turned hostile. As there was no other evidence available against the petitioners they were entitled to the concession of bail more so when they were in custody since 20.08.2022 and only 05 of the 33 PWs had been examined so far.

4. The learned State counsel on the other hand contends that the allegations levelled against the petitioners did not entitle them to the concession off bail. He however, concedes that all the material witnesses had been examined and had not supported the prosecution case as also the fact that the petitioners were in custody since 20.08.2022 and only 05 of the 33 PWs had been examined so far.

5. I have heard the learned counsel for the parties.

6. Admittedly, all the material witnesses stand examined and have turned hostile. Whether the remaining evidence is sufficient to establish the guilt of the petitioners shall be adjudicated upon during the course of the trial. The petitioners are stated to be in custody since 20.08.2022 but only 05 out of the 33 PWs have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation the further incarceration of the petitioners is not required.

7. Thus without commenting on the merits of the case, the present

petition is allowed and the petitioners-**Virender @ Binder** son of Sh. Chander Bhan @ Chander and **Sumit** son of late Sh. Randhir are ordered to be released on bail subject to their furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitions stand disposed of.

(JASJIT SINGH BEDI)
JUDGE

Apri 15, 2024
Vinay

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