



CRM-M-12534-2024

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**215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**CRM-M-12534-2024
Decided on : 16.10.2024

Babu Nand Ram @ Babu Nand

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAULPresent : Mr. Navdeep Singh, Advocate for
Mr. R.S.Dhull, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

Manjari Nehru Kaul, J.(Oral)

Learned counsel for the petitioner has produced the copy of depositions of PW-1 Nafe Singh and PW-2 Balbir Singh, which are taken on record.

Main case

1. This is the petition filed by the petitioner seeking concession of regular bail in case FIR No.27 dated 14.01.2021 under Sections 302 IPC registered at Police Station Gharaunda District Karnal.

2. Learned counsel for the petitioner has submitted that the petitioner, who has been in custody since 15.01.2021, has been falsely implicated in the present case, which hinges on circumstantial evidence. Learned counsel has submitted that the complaint was



lodged by PW-1 Nafe Singh, who alleged in the FIR that on 14.01.2021, PW Darbara Singh informed him through one person by the name of Vasudev that Jagdish Singh (hereinafter referred to as 'deceased') had been assaulted by the petitioner, as a result of which, he had sustained grievous injuries on his person. It has been further submitted that as per the case of prosecution when the deceased was removed to the hospital by the complainant, he was declared brought dead. There was neither any witness of last scene nor any other incriminating evidence had been collected by the investigating agency to connect the petitioner with the alleged murder; the motive which plays a pivotal role in cases, which hinge on circumstantial evidence, is also clearly amiss in the present case qua the petitioner. Learned counsel has still further argued that although PW-1 Nafe Singh (complainant) and PW-2 Balbir Singh while stepping into the witness box during trial supported the case of the prosecution, however, even as per the case of the prosecution, they had not witnessed the crime in question. Rather their testimonies were based on hearsay; they had been only informed about the alleged assault by Darbara Singh; however, said Darbara Singh was given up by the prosecution as having been won over. Learned counsel submits that in the circumstances, further incarceration of the petitioner would serve no useful purpose as 11 prosecution witnesses still remain to be examined. Furthermore, since all the material witnesses stand



examined, there can be no possibility of the petitioner tampering with the evidence or intimidating/influencing the witnesses.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions, has not disputed the custody period of the petitioner; the stage of the trial has also not been disputed by the State counsel. However, learned State counsel has reiterated the allegations levelled in the FIR, which stands reproduced herein under:

*“On 14.01.2021, SI Sultan Singh was present in Police Station when Nafe Singh came present and moved a complaint stating therein that on 13.01.2021, he along with Nanha son of Loti Ram and Jagdish son of Ramdia had gone to the sugarcane farm of Bara Sardar. They all helped Darbara Singh to push his trolley from the fields and thereafter, they all consumed liquor with Darbara Singh. As they were about to leave the place then Jagdish refused to accompany them on the ground that he shall come after receiving his wages. On 14.01.2021, Darbara Singh informed them that **Babu Ram** son of Asarfi had assaulted Jagdish due to which he has received grave injuries. On receiving this information, they took injured Jagdish to Civil Hospital, Gharaunda for his treatment but he was declared dead by the hospital official. A prayer was made to take necessary action against accused **Babu Ram**, who has caused injuries to Jagdish.”*

4. On a pointed query put to the learned State counsel, he on instructions, has not disputed that the complainant PW-1 Nafe Singh as



well as PW-2 Balbir Singh were not eyewitnesses to the occurrence in question. It was PW-Darbara Singh, who had informed them through one Vasudev about the alleged assault. On a further query put to the State counsel, he has not been able to controvert the submissions made by learned counsel for the petitioner that said Darbara Singh had not been examined by the prosecution and had instead been given up as being won over; even Vasudev had not been cited as a prosecution witness. On a further query put to the State counsel as to whether any motive had been spelt out qua the petitioner to commit the crime in question, he, on instructions, has replied that no such specific motive had been collected by the investigating agency during investigation other than the statement made under Section 161 Cr.PC by PW-Darbara Singh.

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

6. The petitioner has been in custody for almost three years having been arrested on 15.01.2021. All the material witnesses stand examined in the present case, which rests primarily on circumstantial evidence. The possibility of the trial concluding in the near future seems unlikely as the next date of hearing fixed before the Trial Court is 07.11.2024 when some of the 11 remaining witnesses have been summoned. The petitioner is also not stated to be involved in any other criminal case.



7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of 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.
9. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

16.10.2024
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(MANJARI NEHRU KAUL)
JUDGE

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