

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214 CRM-M-12964-2024
Date of Decision.:08.05.2024

ChandPetitioner
Vs.
State of HaryanaRespondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Bijender Dhankar, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana
assisted by ASI Ved Singh.

DEEPAK GUPTA, J. (ORAL)

The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.166 dated 27.05.2023 registered under Sections 148, 149, 302 of the IPC (during investigation 148, 149 of the IPC were added and 34 of the IPC was deleted) registered at Police Station Murthal, Sonipat, District Sonipat.

2. Despite opportunity granted to respondent- State, status report has not been filed.
3. The facts are being noticed from the order dated 02.03.2024 passed by the Court of learned Additional Sessions Judge, Sonipat, whereby the bail petition of the petitioner has been rejected.
4. FIR was lodged on the complaint of Ranbir, as per which he was informed on 26.05.2023 that his brother Satpal had been beaten by three

unknown persons and was admitted in Civil Hospital, Sonipat. FIR under Sections 302 & 34 of the IPC was registered as Satpal had died on account of the injuries caused to him. During investigation, Rinku son of Subhash got recorded his statement to the police as per which on the intervening night of 26/27.05.2023 at about 12:30 a.m., he had seen his uncle Satpal being beaten by 06-07 persons and when he tried to rescue his uncle, those boys also chased him and due to fear, he fled away. Later on, he had come to know that those assailants were calling themselves by the names of Azad, Sunil, Aman etc. He disclosed this incident to his uncle Ranbir. Ranbir then got recorded supplementary statement in which he named Sunil, Azad, Aman, Mohit, Ashish, Ajay and Chand (petitioner).

5. Learned counsel for the petitioner contends that petitioner was not named in the FIR; that his name emerged in the supplementary statement of the complainant; that during trial neither Rinku nor Ranbir has supported the prosecution case. Learned counsel has drawn attention towards the testimony of Rinku and Ranbir as made during trial. The perusal of the statement of Rinku examined as PW-1 would reveal that he had only come to know about murder of his uncle Satpal to have been given beating by some unknown persons and that he had not seen any of them causing injuries. He was declared hostile. Similar is the statement of PW-2 Ranbir, who clearly stated that he had not seen anyone causing injuries to his brother Satpal.

6. Learned State counsel could not refute the aforesaid contentions. It is also conceded that Rinku is the only alleged eye-witness of

CRM-M-12964-2024

the occurrence. As per the custody certificate placed on record by learned State counsel, petitioner is in custody for the last 11 months and 02 days. He has no other criminal case pending against him. Learned State counsel, on instructions from ASI Ved Singh, also informs that out of 20 witnesses cited by the prosecution 06 have been examined. However, it is conceded that all the material witnesses/eye-witnesses stands examined.

7. Having regard to the above facts and circumstances, but without commenting anything further on the merits of the case, this petition is allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

(DEEPAK GUPTA)
JUDGE

May 08, 2024
Neetika Tuteja

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