

In The High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-15079-2024 (O&M)
Date of Decision:- 03.04.2024

Vijay ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Nehha Dewan, Advocate, for the petitioner.
Mr. Ramender Singh Chauhan, AAG, Haryana.

FIR NO.	DATE	POLICE STATION	OFFENCES
188	20.06.2023	Sadar, District Kaithal	323, 307 and 34 IPC (Section 307 IPC deleted and Section 302 and 212 IPC added later on)

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned FIR.
2. The FIR was lodged at the instance of Mohinder Rana, wherein it is alleged that on 19.6.2023 at about 7:30 p.m. his brother Raj Singh had left the house so as to meet Birbal Bibla. However, Raj Singh did not return back and at about 11:00 p.m. Ghanshyam came to the

complainant's house and informed that Raj Singh was lying on the road in an inebriated condition. Upon receipt of said information, the complainant went to the spot and brought his brother for treatment at Shah Hospital, Kaithal, where the doctor apprised them that complainant's brother had sustained a deep injury on his head. The complainant made inquiries to gather information upon which Birbal Bibla, Ishwar and Ghanshyam told the complainant that at about 9:00 p.m. Raj Singh had an altercation with Sanjeev, Rajender and Vijay and in the said altercation, said persons had hit Raj Singh with some hard object on his head.

3. Learned counsel for the petitioner submitted that he has falsely been implicated in the present case and that falsity would be evident from the fact that the complainant Mohinder (PW-3) as well as eye-witness Birbal (PW-4), when examined in the witness box did not support the case of prosecution.
4. Opposing the petition, learned State counsel submitted that it is apparently a case where the petitioner has been able to win over the witnesses or has been able to intimidate them and that since the petitioner is specifically named in the FIR, his complicity is clearly evident. It has however, been informed that the petitioner has been behind bars for the last 9 months and 12 days.
5. This Court has considered the rival submissions addressed before this Court and has also gone through the statements of PW-3 and PW-4 (Annexure P-12).

6. A perusal of statements annexed as Annexure P-12 indicate that the witnesses have not fully supported the case of prosecution. The petitioner otherwise has been behind bars since the last about 9 months and 12 days and is not wanted in any other case. Under these circumstances particularly when the material witnesses have not fully supported and also on account of the substantial custody, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

03.04.2024

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No