



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

CRM-M-27362-2024 (O&M)
Date of Decision:- 30.09.2024

Dalbir ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. D.S.Matya, Advocate, for the petitioner.
Mr. Munish Sharma, DAG, Haryana.
Mr. Azad Khan, Advocate with
Mr. Onkar Singh, Advocate, for the complainant.

FIR NO.	DATE	POLICE STATION	OFFENCES
480	14.12.2023	Bilaspur, District Gurugram	302 read with 34 IPC

GURVINDER SINGH GILL, J. (Oral)

- The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned FIR.
- The facts, in nutshell, are that on 14.10.2023, the police received information to the effect that Juber had been hit with a canter driven



by Dalbir. The officials of the police reached at the spot from where injured Juber was taken to hospital, but he succumbed to his injuries while on the way. The police recorded statement of brother of deceased Nurshad wherein he alleged that Dalbir, Balbir and Pardeep in connivance with each other had killed his brother Juber by running over a vehicle over him. It is further stated therein that Pardeep had told Dalbir to run over the vehicle over the deceased and when the complainant's brother tried to run from the place, Pradeep caught hold his brother and pushed him in front of the vehicle under which he was crushed.

3. Learned counsel appearing on behalf of the petitioner submitted that the FIR has been lodged by leveling false allegations and that as a matter of fact when complainant Nurshad as well as his brother Sahun were examined during the course of trial as PW-5 and PW-6, they did not support the case of prosecution at all and rather stated that some unknown vehicle bearing registration number of Rajasthan had hit against their brother and that accused Dalbir had nothing to do with the death of their brother.
4. Opposing the petition, learned State counsel submitted that the witnesses have apparently been either won over or intimidated by the accused. He has informed that the petitioner has been behind bars since the last about 9 months and 14 days and otherwise has a clean record.



5. This Court has considered rival submissions addressed before this Court.
6. While, as per prosecution, the truck recovered was bearing registration No. HR-55-AN-9504 whereas when the witnesses stepped into the witness box they stated that the offending truck was unknown truck bearing registration number of Rajasthan. They did not utter a word against the petitioner. The petitioner otherwise has been behind bars for a substantial period of more than 9 months and enjoys a clean record. Under these circumstances where witnesses have not supported the case of prosecution, further detention of petitioner would not be justified. 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.

30.09.2024
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(GURVINDER SINGH GILL)
JUDGE

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