



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

213

CRM-M-32419-2024 (O&M)
Date of decision : 24.09.2024

Dharmender Petitioner

versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Sahil Choudhary, Advocate
for the petitioner.

Mr. Sandeep Singh, Addl. A.G., Haryana.

PANKAJ JAIN, J. (Oral)

1. Prayer is for grant of regular bail to the petitioner in case bearing FIR No.239 dated 30.07.2021, registered for the offences punishable under Sections 302 IPC and 25 of Arms Act at Police Station Ganaur, District Sonipat.

2. FIR was registered on the statement made by Jitender who alleged as under:-

“Sir, it is respectfully submitted that I Jitender s/o Khajan Singh is resident of village Dado District Aligarh Police Station Dado and I am a married man. We are 4 brothers and sisters among whom I am the youngest, eldest Kishan younger than him Dharmender and one younger sister who is married and living in the rooms of Chandrapal S/o Raghubir in Panchi Jatan for almost 2 years. That we all do labour work. That yesterday on 29/7/21 my brother after quarreling went away with his wife from our home and said that I will kill someone. That today



on 30/7/21 like everyday my brothers went for their labour work and I stayed at home because my parents had gone out somewhere. That at around 12 o'clock when I was standing outside the house my sister-in-law Kiran w/o Kishan was also standing outside. Then at the same time my brother Dharmender came and started abusing her and when she stopped him, he stabbed my sister-in-law Kiran with the knife which struck her hand and stomach. I immediately called my brother Kishan and took her on a motorcycle to the hospital, where the doctors declared her brought dead. Thus, it is requested before you that action should be taken against my brother Dharmender.”

3. Petitioner is accused of having killed his own sister-in-law (bhabi) by stabbing her with knife. Counsel for the petitioner submits that the petitioner is behind bars since the date of his arrest i.e. for more than 03 years and 01 month. Complainant Jitender appeared as PW-1, who has not supported the case of the prosecution. PW-2 Khajan Singh has also not supported the prosecution and both of them have turned hostile. It was claimed by the prosecution that the knife has been recovered from the petitioner. The same was sent to FSL. As per the report the analysis has remained inconclusive. Thus, it is a case wherein the alleged eye witnesses including the complainant have not supported the case of the prosecution and scientific evidence has remained inconclusive. Trial has proceeded considerably.

4. State counsel is not in a position to dispute the afore recorded factual assertions made by counsel for the petitioner. Petitioner has no other criminal antecedents.



5. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.
6. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.
7. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(PANKAJ JAIN)
JUDGE

24.09.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No