



CRM-M-38236-2023

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219 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Decided on : 05.08.2024

CRM-M-38236-2023

Devender @ Tillu Petitioner

Versus

State of Haryana Respondent

CRM-M-55125-2022

Pawan Petitioner

Versus

State of Haryana Respondent

CRM-M-39770-2023

Sanjiv @ Monu Petitioner

Versus

State of Haryana Respondent

CRM-M-43468-2023

Rahul Dagar Petitioner

Versus

State of Haryana Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Prateek Pathee, Advocate
for the petitioner in CRM-M-38236 and 39770-2023 and
CRM-M-55125-2022.

Mr. Arjun Attri, Advocate
for the petitioner in CRM-M-43468-2023.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

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This order shall dispose of above-said petitions as all of them have arisen out of same FIR. Brief facts of the case are taken from CRM-M-38236-2023.

1. This is the second/first petition filed by the petitioner(s) seeking concession of regular bail in case FIR No.288 dated 23.09.2020 under Sections 304 and 120-B r/w 34 IPC registered at Police Station Sadar Tauru District Nuh.

2. Learned counsel for the petitioner(s) have argued that the petitioners have been falsely implicated in the present case concerning the death of the son of the complainant. While drawing the attention of this Court to the FIR in question, which has been annexed as Annexure P-1, learned counsel for the petitioners have asserted that the allegations against the petitioners are entirely baseless and lack corroboration from any eyewitness account. Initially, the FIR was registered under Section 302 IPC; however, after investigation, the challan was presented under Sections 304, 34 and 120-B IPC only.

3. Learned counsel further contend that the petitioners' alleged false implication is evident from the fact that there is no motive attributed to them, which is crucial in such cases. It is on record that the petitioners were the ones, who took the deceased to the hospital. Further drawing the attention of this Court to the depositions of the witnesses annexed as Annexures P-5 and P-6, learned counsel has submitted that PW-1 Jagmal Singh and PW-4 Kartar Singh did not

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support the case of prosecution during trial as a result of which, they were declared hostile. Therefore, it has been urged that no useful purpose would be served by keeping the petitioners in custody, more so, when 10 prosecution witnesses out of 18 cited are yet to be examined.

4. Learned counsel have also submitted that the prosecution witnesses have repeatedly failed to appear in Court. Learned counsel have further submitted that petitioners Devender @ Tillu, Pawan, Sanjiv @ Monu and Rahul were granted interim bail vide orders dated 24.04.2024, 17.07.2023, 22.08.2023 and 10.01.2024 respectively by a Coordinate Bench of this Court and have not misused this concession. Hence, it is prayed that their interim bail be made absolute.

5. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioners, on instructions, has contended that there are serious allegations levelled against the petitioners, who killed deceased Rohit in a fit of anger while being under the influence of liquor; they drove their tractor over the deceased because he failed to bring food for them from a hotel. It has been further submitted that the petitioners, with common intent thereafter crushed the deceased under the tractor, which was recovered following their disclosure statements. Learned State counsel, on instructions, has however acknowledged that PW-1 Jagmal Singh and PW-4 Kartar Singh did not support the prosecution case as a result of which they were declared hostile. The status of the trial has also not been

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disputed. It has however been submitted that 8 prosecution witnesses out of 18 cited have been examined till date.

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

7. Before proceeding further, it would be apposite to reproduce the FIR in question, which is as under:

“Legal action for committing murder against Devender @ Tillu son of Kuldeep, Sanjiv @ Monu son of Kirshan @ Arora, Pawan @ Koli son of Satbir, resident of Jorsashi, Rahul Dadar resident of Alipur. Sir, it is stated that I am resident of the aforesaid address. My son Rohit aged 21 years was working as driver on tractor of Sonu son of Dharampal resident of Jaurasi. On 22.09.2020 my son went out of house in morning on tractor to cultivate land in our village and came back home at about 2:00 PM. Afterwards, at 7:00 PM he went with Sonu to cultivate fields. Both had separate tractors. At night at about 2:00 AM Sonu came at my house and said that your son Rohit is admitted at Vinayak Hospital, just now Anand son of Uday Singh has made phone call to me from his phone no.9540034439 that Devender @ Tillu son of Kuldeep, Sanjiv son of Krishan @ Arora, Pawan @ Poly son of Satbir residents of village Jaurasi, Rahul Dagar resident of Alipur have taken Rohit to Vinayak Hospital in my car. Upon hearing phone call, I and my family members immediately went to Vinayak hospital Bhiwadi, where, I saw that my son was lying dead. The above-mentioned accused were also present there. Thereafter. I took my son to Nuh hospital. The



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above-mentioned accused have murdered my son under a well-planned conspiracy. Sonu told me that Rohit has told him on phone that I am going to above mentioned accused, they have called me. It is, therefore, requested that strict legal action be taken against above mentioned accused.”

8. As not disputed, the two material witnesses PW-1 Jagmal Singh and PW-4 Kartar Singh did not support the case of the prosecution, as a result of which, they were declared hostile during trial. The petitioners have been in custody for a period of 2 years and 9 months having been arrested on 12/13.10.2020. Given that 10 out of 18 witnesses still remain to be examined, the trial is likely to take considerable time to conclude.

9. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner(s). Accordingly, the instant petition(s) is/are allowed. The petitioner(s) be admitted to bail on his/their furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

10. 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.

05.08.2024
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(MANJARI NEHRU KAUL)
JUDGE

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