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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51246-2024 (O&M)

Date of Decision: 23.10.2024

INDAL SINGH

.. Petitioner

Vs.

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Balraj Gujjar, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

...

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 483 BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.299 dated 26.06.2023, registered for the offences punishable under Sections 302/34 of IPC (Sections 376/120-B of IPC added later on) at Police Station Dabua, Faridabad, District Faridabad, Haryana.

2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“To, SHO, P.S. Dabua district Faridabad on dated 26.06.2023 Sir, it requested that 1 Anand Kumar s/o Late Sh. Manu Singh, R/o Vill. Anbola, P.S. Jahanganj Distt. Farukhabad (UP), we are two brother and one sister namely Geeta Devi (Sudha), she was married to Deepak Kumar s/o Foran Singh, R/o vill. Asauli, P.S. Kotwali Mainpuri Distt. Mainpuri (UP) since 6½ years ago, one son namely Yogesh Yadav born out from this wedlock, who is now aged 5 years. Since last five years, Deepak along with his family has been residing in Faridabad and driving a vehicle and doing labour work. Deepak Kumar earlier also used to beat my sister and I made him his family members understand but he did not mend ways. My sister used to inform us on telephone about the beatings given by him and my brother in law also told me one

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day that my sister is talking with another man on telephone. That due to this grudge, my sister Geeta has been killed by him while hitting interlocking tile on her head with the connivance of one other person. That I have reached on the spot at Faridabad having information of this incident of murder. After reaching Faridabad, I gathered information from neighborer about the murder of my sister. That I have seen dead body in the mortuary of B.K. Hospital. She has been murdered brutally. She is body of my sister Geeta. Kindly take strict action against my brother in law Deepak and other persons. I shall be thankful to you, dated 26.06.2023. applicant Anand Kumar.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 01.07.2023. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated into the FIR in question. Learned counsel for the petitioner has iterated that the prime prosecution witnesses, namely, the complainant (brother of the deceased) as also PW-Saroj Kumar have turned hostile & hence in all likelihood the trial is not likely to culminate into conviction. Thus, the regular bail is prayed for.

4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 01.07.2023 whereinafter investigation was carried out & challan was presented on 19.09.2023. Total 28 prosecution witnesses have been cited and culmination of the trial will take its own time. The rival contention of the learned counsel for the parties; as to whether the petitioner has been falsely implicated into the FIR in question & the weightage required to be attached to the testimony of the

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does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. As per the custody certificate dated 21.10.2024 filed by the learned State counsel, the petitioner has suffered incarceration for more than 01 year, 03 months and 21 days & is not shown to be involved in any other case. Suffice to say further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the present case.

7. In view of totality of factual matrix of the present case, the instant petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police



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Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.

(vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

23.10.2024
Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No