

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARHCRM-M-63869 of 2023(O&M)
Date of Decision: 19.01.2024

Surinder

...Petitioner

Versus

State of Haryana

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Rahul Rathore, Advocate
For the petitioner.

Mr. Neeraj Sheoran, DAG Haryana.

KARAMJIT SINGH, J.

1. The present petition has been filed by the petitioner seeking grant of regular bail in criminal case having FIR No. 600 dated 26.09.2021, registered under Section 302 IPC at Police Station Ghauranda, District Karnal.

2. The brief facts of the case of prosecution are that on 25.09.2021 police received information regarding death of Dayal Singh during treatment in KCGMCH Karnal. Thereafter complainant Mandeep son of Pehal Singh got recorded his statement with the police that on 25.09.2021 at about 9:00 p.m. his paternal uncle Dayal Singh was called from his house by petitioner, Anand, Vishal, Vicky and Sandeep and Dayal Singh went along with aforesaid accused persons. At about 10:00 p.m. aforesaid Vishal informed them on a phone that a fight had taken place. After that Dayal Singh was found lying in an injured condition and they took him to Civil Hospital, Gharaunda from where injured was referred to KCGMCH Karnal, where

Dayal Singh died while undergoing treatment. During investigation of the case, the petitioner was arrested.

3. The counsel for the petitioner submits that all the material witnesses while appearing in the witness box failed to support the case of prosecution, as is evident from their statements Annexure P-3. The counsel for the petitioner further submits that it will take considerable time for the trial to conclude. So, prayer is made that the petitioner be released on bail.

4. The present petition is resisted by the State counsel who submits that petitioner is facing serious charges with regard to murder of Dayal Singh and the trial is going on and already five witnesses on behalf of the prosecution are examined. The State counsel, on instructions from ASI Suresh Kumar, has not disputed the fact that the deposition of material witnesses are available on record and that PW2 Sandeep, PW3 Anand, PW4 Sewa Singh and PW5 Sukhjit were declared hostile witnesses and that complainant Manjit who supported the prosecution case in his examination-in-chief has resiled in his cross-examination.

5. I have considered the submissions made by counsel for the parties.

6. As per the custody certificate furnished by the State counsel, the petitioner is in custody for the last more than two year and three months and is having no criminal history. The entire case is based on circumstantial evidence and it appears that PW2 to PW5 have not supported the case of prosecution. It is also apparent that complainant Mandeep in his cross-examination has not supported the case of prosecution.

7. In light of the above, this Court is of the view that no purpose is going to be served by detaining the petitioner in custody for any longer period. So, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing of bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

19.01.2024
Jiten

(KARAMJIT SINGH)
JUDGE

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