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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1.

CRM-M-48486-2024

Budh Ram @ Budhu

.....Petitioner

versus

State of Haryana

..... Respondent
2.

CRM-M-55093-2024

Sukhpal Singh @ Sukhpal @ Kala

.....Petitioner

versus

State of Haryana

..... Respondent
3.

CRM-M-56553-2024

Bandagi Kumar

.....Petitioner

versus

State of Punjab

..... Respondent

Date of decision : 21.01.2025

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Dheeraj Narula, Advocate
for the petitioner in CRM-M-48486-2024.

Mr. Gurdarshan Singh Sidhu, Advocate
for the petitioner in CRM-M-55093-2024.

Mr. P.S. Jammu, Advocate & Mr. Anirudh Malhan, Advocate
for the petitioner in CRM-M-56553-2024

Mr. Vijesh Sharma, Addl. A.G., Haryana and
Mr. Kirpal Singh Thakur, A.A.G., Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. By way of this common order, I intend to dispose of
abovesaid three petitions as they have arisen out of the same FIR.



2. Petitioners have approached this Court by way of present second petitions praying for granting them regular bail in case FIR No.236 dated 09.07.2020, under Sections 148, 149, 323, 364, 302 and 120-B of IPC registered at Police Station Dabwali Sadar, District Sirsa.

3. Succinctly, the facts of the present case are that the FIR in the present case was recorded on the statement of Satwinder Singh @ Sonu. It was alleged that on 09.07.2020, he received the information that his younger brother Jitender @ Monu had been given injuries in the fight which had taken place. On receiving the information, he reached the Civil Hospital, Dabwali and enquired about the information received by him. It was found that Jitender @ Monu and his friend Arun @ Hunny were having meal at a Punjabi Dhaba near village Abubshahar, where Bandagi Ram (petitioner in CRM-M-56553-2024), Raj Mahashya, Goru, Kala Ram (petitioner in CRM-M-55093-2024) and Budhu (petitioner in CRM-M-48486-2024) along with 18-19 other persons came riding on their motocyrcles. On reaching Dhaba, they started inflicting injuries to his brother, namely, Jitender @ Monu and Arun @ Hunny with kirpan, swords and batons which they were carrying alongwith them. However, Arun @ Hunny managed to flee from the spot. His brother Jitender @ Monu was taken to hospital village Sukerakhera on motorcycle, where he was inflicted further injuries in front of the house of Bandagi Ram. After causing injuries, the assailants escaped from the scene of occurrence. His brother was taken in ambulance to hospital, where he was declared dead. Request was made to take the legal action against all the accused for causing the murder of his brother. On the registration of FIR, the investigation commenced; postmortem of the deadbody was conducted



and the accused were arrested. The petitioner Budh Ram @ Budhu was arrested on 10.07.2020, whereas the petitioners, namely, Sukhpal Singh @ Sukhpal @ Kala and Bandagi Kumar were arrested on 14.07.2020. They approached the Court of Ld. Additional Sessions Judge, Sirsa for grant of bail, however, after hearing both the sides, their applications were declined by the Learned Additional Sessions Judge, Sirsa vide orders dated 26.05.2021, 12.02.2022 and 09.02.2022, respectively. Thereafter they earlier approached this Court by way of filing separate petitions which were declined by passing a common order dated 25.05.2023 in CRM-M-3568-2022 (Budh Ram Vs. State of Haryana and others). Hence, the petitioners are before this Court by way of filing present second petitions.

4. It has been vehemently contended by learned counsel for the petitioners that the petitioners are falsely implicated in this case. It has been submitted that as per the case of the prosecution, the occurrence had taken place on 09.07.2020, whereas the FIR was lodged by Satwinder Singh. It is submitted that Satwinder Singh was not the eye-witness before whom the occurrence had taken place, however, he reached the place of occurrence on receiving the information regarding the injuries having been given to his brother. They submit that the other person the prosecution has shown as eye-witness, is Arun @ Hunny. This witness has been examined before the trial Court as PW-10 and he has submitted that he received about 20-30 injuries, however, no medical was conducted and the same is falsified in the absence of any medical. They submit that the petitioners are alleged to have been armed with kirpans and swords, however, as per the postmortem, there are only two incised injuries having



been suffered by the deceased. Thus, the ocular version of the prosecution is not even medically corroborated. It is submitted that out of total 15 accused, 09 accused are already on bail. They submit that the petitioners have no criminal antecedents as they are not involved in any other case. It has been vehemently contended by the counsel for the petitioners that the speedy trial is the right of every accused but the petitioners are behind bars from last more than 04 years and till date the prosecution has not been able to conclude the trial. They submit that the material witnesses have already been examined and in view of their long incarceration they deserve to be granted bail.

5. Status report by way of affidavit of Mr. Kapil Ahlavat, HPS, Deputy Superintendent of Police, H.Q. Dabwali, District Sirsa has been filed on behalf of respondent-State in two cases, in the Court today, same are taken on record. Copies thereof have been supplied to learned counsel for the petitioners.

6. Learned State counsel, on instructions from ASI Satpal, has opposed the submissions made by counsel for the petitioners. He submits that the incident has taken place in front of the eye-witnesses who have duly supported the case of the prosecution. He submits that the ocular version is medically corroborated as well. He submits that in all there are 37 prosecution witnesses, out of which 09 PWs have been given up and 15 PWs have already been examined. He produced the custody certificates of all the petitioners before this Court. He further submits that granting bail to the petitioners would adversely affect the ongoing trial.

7. The Court has heard counsel for the parties and perused the record with their able assistance. As per the case of the prosecution, the



occurrence had taken place on 09.07.2020. The petitioners were arrested on 10.07.2020 and 14.07.2020, respectively, since then they are behind bars. In all there are 15 accused, out of them 09 accused are already on bail. The custody certificates of the petitioners produced by the State would show that the petitioners are not involved in any other case. However, learned State counsel has drawn the attention of this Court to the status report filed and has submitted that the petitioner-Budh Ram @ Budhu is involved in 09 other cases, however, he is on bail in those cases. Needless to say the custody of all the petitioners is about 4 ½ years and till date about half of the witnesses have been examined by the prosecution.

8. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioners succeed in making out the case for grant of regular bail. Accordingly, the petitions are allowed. Petitioners are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

9. Photocopy of this order be placed on the file of other connected cases.

(RAJESH BHARDWAJ)
JUDGE

21.01.2025
ps-I

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