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CRM-M-54843-2023
Date of decision: 30.07.2025

VERSUS

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Mr. Amit Jangra, Advocate for
Mr. Ravi Dutt Sharma, Advocate for the complainant.

ANOOP CHITKARA, J. (ORAL)

FIR No.	Dated	Police Station	Sections
162	15.06.2022	Garhi, District Jind	306/302 IPC (initially FIR was registered under Sections 147/148/149/302 and 506 IPC but later on charges framed under Section 306/302 IPC

1. The petitioner incarcerated in the FIR captioned above has come up before this Court by filing a second petition under Section 439 of the Code of Criminal Procedure, 1973 [Cr.P.C], seeking regular bail.
2. Vide order dated 12.09.2024, the petitioner was granted interim bail by a Co-ordinate Bench of this Court, the order is continued till date and in the pendency.
3. The facts and allegations are being taken from the status report 24.08.2024 filed by the State, which reads as follows:

"xxx xxx xxx xxx

That the brief facts of the case are that on 15.06.2022, a telephonic information was received at Police Station Garhi from Police Station Khanauri (Punjab) that a person is hanging in a liquor vend situated in the area of village Rewar, at Chatta Govindpura road. On receipt of this information, the State House Officer, Police Sation Garhi alongwith colleague officials reached at the place of occurrence at country made liquor vend in the area of village Rewer, brother of deceased Gurtej Singh



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son of Mahender Singh, was found where Mala son of Mahendra, village Govindpura Chatta, alongwith present and he made statement that he is resident of abovementioned address. He is 12th Class pass and doing agriculture. They are three brothers and four sisters. Eldest sister is Rani Krishna Kamlesh, Karmjeet, brother Tarsem, Gurtej was the youngest. They all are married. His elder brother Gurtej has a boy Lovepreet, age is about 12 years. They have taken 3½ Acre land on lease which taken by Aman son of Karma Singh of their village, on the border of Punjab and Haryana. Near the road, the firm of Haryana Wines is running liquor Sub Vend in a room in which his brother Gurtej Singh was working as salesman and also used to sleep in the liquor vend at night, for surveillance. Yesterday on 14.06.2022, at around 9/9.30 PM, his brother Gurtej and he after making good accounts of the sale of liquor of sub vend went to their house in the farm near the liquor vend. His brother Gurtej after taking dinner came back to sleep on liquor vend, at 10.30 PM. Today at about 05.30 p.m. his uncle Megha son of Ami Lal came to start his tubewell then saw that the door of the liquor vend was open and his brother Gurtej was seen hanging from the iron girdar of the room with a noose of plastic rope and his left hand and stomach was bleeding. His uncle Megha informed them and on receipt of this information when they reached at the spot, found that his brother Gurtej is hanging from the iron girdar with a rope in the liquor vend and his body was also having injury marks. He further alleged that yesterday on 14.06.2022, at around 10:00 AM, his uncle's son Deep, Jeevan sons of Siriya, resident of Chattha Gobindpura, quarreled with him and his brother Gurtej and Tejpal's son of Malli, Village Geong, Kaithal had also threatened them about 2/3 months ago and told them that they are with the Siriya's family. On 14.06.2022, they have filed complaint in the Khanauri police station in connection with the fight between him and his brother Gurtej, due to the same enmity, today on the night of 14/15.06.2022, Jeevan, Deep sons of Siriya, Jaspal, Gurpal son of Zile Singh and Jeevan's maternal uncle Sandeep S/O Jagira, resident Dani Gujran and Tejpal's son of Malli village Geong, Kaithal, together committed murder of his brother Gurtej by hanging him with a rope on the roof girdar of the liquor vend. Upon this case FIR No.162 dated 15.06.2022 u/s 147, 148,149, 302, 506 IPC was registered at Police Station Garhi. (Annexure P-1).

4. The petitioners' counsel prays for bail by imposing any stringent conditions including surrender of fire arms. In case, they repeat the offence or commit any offence where the sentence is more than 07 years, they would have no objection, if State files an application for



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cancellation of their bail. He contends that pre-trial incarceration would cause an irreversible injustice to the petitioners and their family.

5. The State’s counsel submits that the out of 23 witnesses, 20 have been examined and 03 have been given up. It is for the petitioner to conclude their evidence not for the State. At this belated stage, petitioner is not entitled to bail.

REASONING:

6. The trial is at the fag end and the petitioner was granted interim protection, and during the interregnum, there is no allegation that he had intimidated the witnesses or hampered the trial or try to delay the same. Petitioner was granted interim bail during the pendency of present petition after custody of around one and a half year. As concerned for the conclusion of prosecution evidence, now ground for discontinue also gone, as there is no chance to temper with the evidence. Given the above, there would be no justification to discontinue the interim protection, which is made absolute.

7. **Petition allowed** in terms mentioned above. Interim order dated 12.09.2024 is made absolute. All pending applications, if any, stand disposed of.

30.07.2025
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(ANOOP CHITKARA)
JUDGE

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