

**221 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(1) CRM-M-55725-2022 Date of Decision: 15.01.2025

Gurmeet Singh Petitioner

Versus

State of HaryanaRespondent

(2) CRM-M-50836-2023

Monu Petitioner

Versus

State of HaryanaRespondent

(3) CRM-M-13648-2024 (O&M)

Niku @ Naveen Petitioner

Versus

State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Vijay Kumar Jindal, Sr. Advocate with
Mr. Ankit Singla, Advocate,
Mr. Pankaj Gautam, Advocate and
Mr. Abhishek Shukla, Advocate for the petitioner
(in CRM-M-55725-2022).

Mr. Ankit Singla, Advocate and
Ms.Shreya Rana, Advocate, for the petitioners in
(CRM-M-50836-2023 and CRM-M-13648-2024).

Mr. Kirpal Singh Thakur, AAG, Haryana.

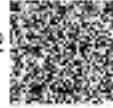
Mr. Lekh Raj Sharma, Advocate, for the complainant.

Rajesh Bhardwaj, J.

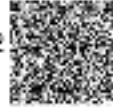
1. This common order will dispose of above-mentioned three petitions as these have arisen out of same FIR.

2. Petitioners have approached this Court by way of present petition praying for granting them regular bail in case FIR No.401 dated 11.11.2021 under Sections 302, 506, 120-B and 34 IPC, registered at Police Station Saran, District Faridabad.

3. Succinctly, facts of the case are that the FIR was registered on



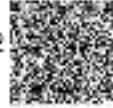
the statement of the complainant, namely, Ranjit Singh son of Gurdyal Singh. It was alleged that on 10.11.2021, at about 10:15 to 10:30 p.m., his brother Bhagat Singh was returning with milk from the shop. As he reached near the house of Balbir, then Gurmeet son of Buta Singh (petitioner in CRM-M-55725-2022), Babu Nepali and two other boys were already sitting near the house of Deshraj. He heard cries “*maar diya maar diya*” and hence, he rushed towards the scene of occurrence. He found that his brother Bhagat Singh was being attacked by those boys with sharp weapons i.e. hocky, rod and *danda*. He shouted for help and tried to save his brother, however, they all were threatening that in case anyone intervenes, he would be shot. After inflicting injuries to his brother, all the accused fled away from there on their scooties. They shifted his brother, who was drenched in blood, to the hospital, where he was declared dead by the doctors. It was alleged that Gurmeet (petitioner) and his accomplices had committed murder of his brother as an act of vendetta as there was money related dispute between them. Request was made to take legal action against the accused persons. On registration of the FIR, the investigation commenced. During the investigation, Monu and Niku @ Naveen (petitioners in CRM-M-50836-2023 and CRM-M-13648-2024) were arrayed as accused. Petitioner-Gurmeet Singh was arrested on 11.11.2021, whereas, petitioners Monu and Niku @ Naveen were arrested on 15.12.2021. All the petitioners approached the Court of learned Additional Sessions Judge, Faridabad praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by Gurmeet Singh vide order dated 14.11.2022, bail application of Monu vide order



dated 21.02.2023 and bail application filed by Niku @ Naveen vide order dated 06.02.2024. Hence, the petitioners have approached this Court by way of filing the present petitions praying for grant of bail.

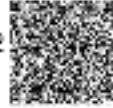
4. This Court had granted interim bail to petitioner Gurmeet Singh vide order dated 06.09.2023 and petitioner Monu vide order dated 15.01.2024.

5. Learned Senior Counsel for petitioner Gurmeet Singh have vehemently contended that the petitioner has been falsely implicated in this case. He has submitted that as per the case of prosecution, the alleged occurrence had taken place on 10.11.2021 at about 10:15 to 10:30 p.m., however, from the evidence on record, presence of the complainant is found at the place of occurrence prior to the same. He submits that the complainant is none other than elder brother of the deceased, however, no action has been taken by him after seeing his brother being murdered. He, thus, submits that it was a blind murder and the complainant was not present at the place of occurrence, however, he was falsely projected as an eye witness in the present case. He submits that the complainant Ranjit Singh has been examined before the trial Court as PW-1 and from the deposition made by him, it is apparent that he had made material improvements in his deposition, which nullifies the case of the prosecution. He submits that no test identification parade was got conducted by the Investigating Agency and thus, false implication of the petitioner is writ large. He submits that ocular version is not medically corroborated. He has further vehemently contended that the deceased had a criminal background as he was involved in various criminal cases and thus, he was killed by someone else, however, the



petitioner has been falsely roped in the present case. He submits that the petitioner was released on interim bail by this Court vide order dated 06.09.2023 and he has not misused the concession of the interim bail granted to him. He has further advanced his arguments that the allegations made by the counsel for the complainant that the petitioner after having been granted interim bail, is threatening the witnesses, has been enquired into by the Police and no truth in the same has been found. He submits that the material witnesses have already been examined by the trial Court and thus, in the overall facts and circumstances, the interim bail granted to petitioner-Gurmeet Singh, deserves to be made absolute.

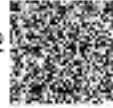
6. Learned counsel for petitioners Monu and Niku @ Naveen has also argued on the similar lines as argued by learned Senior Counsel for petitioner- Gurmeet Singh before this Court. It is submitted that no overt act has been alleged against the petitioners. He has submitted that the petitioners have no motive to inflict injuries to the deceased. He submits that the complainant has been examined as PW-1 and has attributed no overt act to the petitioners. He further submits that co-accused Gurmeet Singh is already on interim bail, which was granted to him, when his custody was 01 year 09 months and Monu was released on interim bail after completing about two years of custody, whereas, petitioner Niku @ Naveen has suffered incarceration of more than three years. It is submitted that the petitioners have no criminal antecedents and all the material witnesses already stand examined. He, thus, submits that in the overall facts and circumstances, interim bail granted to petitioner Monu deserves to be made absolute and petitioner Niku @ Naveen deserves to be granted bail, who is behind bars



from the last more than three years.

7. Per contra, learned counsel for the complainant has vehemently opposed the submissions made by counsel for the petitioners. It is submitted that case of the prosecution is based on the eye witness account, wherein, the complainant i.e. brother of the deceased had identified all the accused before the Court itself. He submits that Gurmeet Singh had a money related dispute with the deceased and it is because of the same, petitioner Gurmeet Singh alongwith his accomplices i.e. co-accused Monu, Niku @ Naveen and one Babu Nepli in a very well hatched conspiracy had committed murder of brother of the complainant. He submits that petitioner Gurmeet Singh after having been granted interim bail had extended threats to the complainant not to depose against him. He has further submitted that the complainant has been examined as PW-1 and he has duly supported the case of the prosecution and there are no material improvements or contradictions in his deposition. He, thus, submits that the petitioners do not deserve any concession of bail and hence, all petitions being devoid of any merit deserve to be dismissed.

8. Learned State counsel has also vehemently opposed the submissions made by counsel for the petitioners. He has drawn the attention of this Court to the status reports filed. It is submitted that the case of the prosecution is based on eye witness account and all the witnesses have duly supported the case of the prosecution. He submits that postmortem of the body was carried out, which corroborates the ocular version of the prosecution witnesses. He submits that out of total 25 prosecution witnesses, 09 witnesses have already been examined. He has produced the custody



certificates of all the petitioners before this Court. It is submitted that the petitioners having committed a heinous offence, do not deserve concession of bail and hence, he submits that all the petitions deserve to be dismissed.

9. The Court has heard learned counsel for the parties and perused the record with their able assistance. It is deciphered from the facts and circumstances of the case that the occurrence in the present case had taken place on 10.11.2021. The FIR was lodged on the statement of complainant - Ranjit Singh. During the investigation, involvement of four accused was found by the Investigating Agency and thus, challan was presented. On framing of charges, examination of the prosecution witnesses commenced. As per the record, petitioner Gurmeet Singh was granted interim bail by this Court when he suffered incarceration of 01 year 09 months and 28 days and petitioner Monu after spending about two years of incarceration, was granted interim bail by this Court. As submitted by learned counsel for the complainant that both these petitioners are misusing concession of interim bail, however, on enquiry by the Police, the same has not been substantiated. Petitioner Niku @ Naveen is behind bars from the last about three years. As per custody certificates, Monu and Niku @ Naveen have no criminal antecedents, whereas, though Gurmeet Singh was prosecuted in FIR No.387/2015, however, he was acquitted by the trial Court. As submitted by learned State counsel, out of total 25 prosecution witnesses, 09 witnesses have been examined.

10. In view of the above facts, the interim bail granted to petitioner Gurmeet Singh and Monu vide orders dated 06.09.2023 and 15.01.2024, is made absolute subject to their already furnished surety/bail bonds before the



trial Court and the same shall be treated as alive till the final disposal of the trial. Petitioners Gurmeet Singh and Monu are directed to keep on appearing before the trial Court as and when required to do so and also to comply with the direction of the trial Court given by it during the pendency of the trial.

11. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that petitioner Niku @ Naveen deserves to be granted bail. Accordingly, petitioner Niku @ Naveen is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

12. All three petitions are allowed in above-said terms.

13. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

15.01.2025

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Whether Speaking/Reasoned :

Yes/No

Whether Reportable :

Yes/No