

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

**CRM-M No.55014 of 2024 (O&M)
Date of decision: 04.04.2025**

Harjinder Singh @ Harwinder Singh @ Binder

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sumeet S. Brar, Advocate for the petitioner.

Mr. Neeraj Sheoran, DAG, Haryana for the respondent.

Mr. Satbir Singh Gill & Mr. Sonpreet Singh Brar, Advocates
for the victim-Mahavir Singh.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (*for short* 'Cr.P.C. ') for grant of bail pending trial to the petitioner in FIR No.429 dated 27.06.2024, under Sections 120-B, 302, 201, 212, 404 read with Section 34 of the Indian Penal Code, 1860, registered at Police Station Rania, District Sirsa.

2025:PHHC:046707



- (2) Custody Certificate dated 03.04.2025 of the petitioner has been produced and which is taken on record. Copy thereof supplied to the opposite side. Registry to tag the same at appropriate place.
- (3) Status report by way of an affidavit dated 03.04.2025 of Sh. Sanjeev Kumar, DSP, Ellenabad, District Sirsa, along with Annexures R-1 & R-2, has been filed. The same is taken on record. Copy thereof supplied to the opposite side. Registry to tag the affidavit at appropriate place.
- (4) Above FIR was registered on the basis of statement made by *de facto* complainant-Inder Singh and English version of the same as mentioned in para 2 of the affidavit dated 03.04.2025 (*ibid*) reads as under:-

“I am Inder Singh son of Shri Bajrang Lal, a partner in liquor vend of village Kharian, Tehsil Rania District Sirsa. My other partner is Rajendra son of Mahavir, resident of village Neemla, Tehsil Ellenabad District Sirsa. On 26.6.2024 at around 12:00 O'clock midnight, cousin of Dharmender Kharia took Rajendra on a motor cycle to the residence of Dharmender Karir, from the liquor vend at Kharia. Dharmendra Karir (whose mobile number is 81472-00005) son of unknown is resident of village Kharian, Tehsil Rania & is a liquor contractor. After that at about 1:13 in the night, I called Dharmendr's mobile number 81472-00005 from my phone number 81681-42348 and asked him to send Rajendra, to which Dharmendra told me that he will drop Rajendra at the Theka in 10 minutes. After that Dharmendra Karir switched off his phone and Rajendra's phone also got switched off. Till now, no information has been found about Rajendra. Dharmendra Karir has Bolero camper No. HR-22/1555. When we checked the CCTV footage at Bacher Petrol Pump, the Bolero camper

2025:PHHC:046707



vehicle is seen going towards Rajasthan in the CCTV footage. Till now, no information has been found about Dharmendra Karir or Rajendra.”

(4.1) During investigation, co-accused i.e. Dharmender made a disclosure on 28.06.2024, nominating the petitioner with the allegations that conspiracy for murder of Rajender @ Raju was hatched at the house of co-accused Jagtar Singh and petitioner was arrested on 15.07.2024.

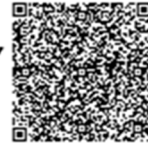
(5) It is contended by learned Counsel that except disclosure of co-accused Dharmender, there is no material available with the police regarding complicity of petitioner. Further contended that after completion of investigation, final report under Section 173 Cr.P.C. has already been presented on 24.09.2024; but charges are yet to be considered.

(6) Learned State Counsel, after obtaining instructions from ASI Anil, is not able to dispute the above factual position; but opposed the prayer on the premise that petitioner is a habitual offender and he is involved in three other criminal cases.

(7) Learned Counsel for the victim-Mahavir Singh (father of deceased) is also not able to show any material to connect the petitioner with commission of alleged crime, except the disclosure made by co-accused Dharmender.

(8) Learned Counsel for the petitioner in order to supplement his contentions apprised the Court that although, petitioner is facing three other cases under the Punjab Excise Act, 1914; but he is on bail in all these cases.

2025:PHHC:046707



- (9) Heard learned Counsel for the parties and perused the paper-book.
- (10) There is no quarrel that petitioner was not named in the FIR; rather nominated on the basis of disclosure made by co-accused Dharmender. Petitioner in custody since 15.07.2024; after investigation, report under Section 173 Cr.P.C. was presented on 24.09.2024 and charges are yet to be considered. As per information supplied by learned State Counsel, there are total 55 prosecution witnesses (cited) in this case. Therefore, trial will take sufficient long time. Moreover, it is not the objection raised by learned State Counsel or learned Counsel for the victim that in case petitioner is released on bail, he may influence the prosecution witnesses and/or hamper the trial.
- (11) In view of the above, there is no justification to prolong the incarceration of the petitioner any further.
- (12) Consequently, present petition is allowed. Petitioner be admitted to bail pending trial on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
- (13) Petitioner shall fully co-operate with learned trial Court without seeking any unnecessary adjournments.
- (14) The above observations be not construed as an expression of opinion on the merits of case.

2025:PHHC:046707



(15) It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

4th April, 2025
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>