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213 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-4254-2024
Date of decision: 13.01.2025

DILBAGH ...APPELLANT

VERSUS

STATE OF HARYANA AND ANR. ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr.Aman Godara, Advocate for the appellant

Mr. Vikas Bhardwaj, AAG, Haryana.

SANJAY VASHISTH, J. (ORAL)

The instant appeal has been filed by the appellant for setting aside the order dated 07.11.2024 passed by the Court of learned Additional Sessions Judge, Hisar, whereby, the bail application of the appellant-Dilbag has been dismissed.

Learned counsel for the appellant submits that the name of the appellant is not named in the FIR rather as per the facts mentioned in the FIR, deceased Ram Niwas was working in the fields of Karambir for the last 25 years and dead body of the husband was found lying in the adjoining field of Meenu. Subsequently, the story is made out after registration of the FIR that it is the appellant-Dilbagh who had electrocuted the deceased-Ram Niwas because he was stealing guava fruits from the trees which were in the fields of Dilbagh.

However, qua the allegations built up by the prosecution against the

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appellant-Dilbagh, the Court asked the learned State counsel to highlight any direct evidence in regard to the allegations against Dilbagh. No such evidence is referred or pointed out from the record. It is not the case of eye-witness account or even of the circumstantial evidence. There has to be a direct evidence of electrocution of the deceased-Ram Niwas at the hands of the accused person.

In response to the arguments addressed by learned counsel for the appellant, learned State counsel produces the custody certificate dated 12.01.2025 in Court today, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

A copy thereof has been handed over to the counsel for the appellant.

On being asked by the Court, learned State counsel further submits that challan has been presented but charges are yet to be framed. During the course of investigation, appellant-Dilbagh has got recovered one electric wire also.

After hearing learned counsel for the parties and perusing the relevant material on record with their able assistance, this Court finds substance in the submissions made by learned counsel for the appellant by observing that nothing can be commented upon the quality of evidence relied upon by the prosecution in support of its case. However, the conclusion of trial is likely to take considerable time, therefore, appellant is stated to be inside jail for last about 04 months and 12 days. The contention of the appellant that State has failed in pointing out any specific motive to kill Ram Niwas, therefore, the allegations are not believable, nothing requires to be commented upon the said submission also. Thus, I deem it appropriate to grant the concession of bail to



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Consequently, prayer made in the present appeal is **allowed** and the appellant is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

Appeal stands disposed of.

13.01.2025

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(SANJAY VASHISTH)
JUDGE

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