



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

131

CRM-M-25709-2025 (O&M)

Date of decision: 19.03.2026

Ombir @ Tunda

...Petitioner(s)

VERSUS

State of Haryana

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Sahil Choudhary, Advocate for the petitioner(s).

Ms. Chhavi Sharma, AAG Haryana and
ASI Kapil.

VINOD S. BHARDWAJ, J. (Oral)

1. This first petition has been filed for grant of regular bail to the petitioner(s) in case bearing FIR No.114 dated 11.04.2001, registered under Section(s) 147, 149, 323, 302, 201, 404, 325 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 at Police Station Samalkha, District Panipat.

2. FIR in the present case was registered on the complaint of Vikrant Singh. The same reads thus:-

"I am a R/O the aforementioned address and have recently appeared for my 12th class examination. Today, on 11.04.2001, at around 9:00 am.. my uncle Ramkishan and uncle Satish Kumar came to meet my father Surendra Singh, who had to attend a court hearing in Panipat. My father and my uncle Rajesh are currently lodged in Ambala Jail in a murder case. Today was the date of my father's only hearing. The murder of Makhan Singh, S/O Brahm Singh (Rai Sikh), occurred on 01.07.2000 in connection with a land dispute. In that case,

Makhan Singh's son had named my father Surendra Singh and my uncle Rajesh as the accused. Due to the enmity arising from that murder, when I was standing at the Raksera bus stand to go to Samalkha Mandi, my uncle Mukesh. S/O Ramkishan, and our relatives Kheturam, R/O Titu Khedi, and Brahm Singh, S/O Devidutt, R/O Singhampur (police station Safidon), who had come to our house to buy a buffalo, were standing with me. At the same time, my uncle Satish was sitting on his Rajdoot motorcycle No. HRQ6D-3407, with my uncle behind him and my sister Divya (a student of Class 4) seated in the middle. My uncle Satish had been called by my father Surendra Singh for a meeting. When they reached the bus stand at Raksera, Viru @ Godhu @ Balbir, S/O Makhan Singh (Rai Sikh), a R/O Raksera, had parked his Isar tractor in a start condition. He drove his tractor and blocked my uncle Satish's motorcycle. Sitting in the tractor trolley were Kala, S/O Dalip Singh (Rai Sikh); a man known as Tunda Pandit, R/O Chhaprauli who used to visit Makhan's sons; Amrik, S/O Makhan Singh; Ranjeet and meet, sons of Brahma Singh, residents of Raksera; Salwant Singh and his sons Sher Singh and Mahal Singh, also of Raksera; and Baljeet, S/O Makhan Singh (Rai Sikh), of Raksera. As soon as the motorcycle was stopped, Balbir @ Biru, S/O Makhan Singh, pointed a weapon and shot my uncle Satish. The motorcycle fell when the bullet hit him. Amrik Singh, S/O Makhan Singh, shot my grandfather Ramkishan with a pistol. Ranjeet, S/O Lahne Singh, grabbed my younger sister Divya by the hand and threw her aside. I screamed, 'Oh! He killed me!' Hearing my shout, my relatives Dhanpat, S/O Kheturam (R/O Tito Khedi, and Brahm Singh. S/O Devidutt (R/O Singhpura, police station Safidon), who were near the bus stand preparing to go home, came running and witnessed the incident with their own eyes. Balbir @ Biru shouted loudly, warning that if anyone moved forward, he would shoot. Out of fear, neither I nor my relatives approached. Ranjeet took an axe and struck my grandfather,

who had fallen, on the neck. Sher Singh, S/O Salwant, also took an axe and hit my uncle Satish on the chest, meet, S/O Brahma Singh, stabbed my uncle in the chest with a knife. Salwant Singh fired a gun, and the bullet hit my grandfather. Mahal Singh struck my younger sister Divya and then fled. Due to these injuries, my grandfather Ramkishan and my uncle Satish died on the spot." All the above-mentioned men picked up the bodies of my uncle Satish and my grandfather Ramkishan from the spot and placed them in a tractor-trolley with the intent to destroy them. Kala, S/O Dalip Singh Rai Sikh, and Tunda Pandit from Chhaprauli, U.P., helped them in disposing of the bodies of my uncle Satish and my grandfather Ramkishan. After placing the bodies in the tractor-trolley, they shouted that they had avenged the death, and all of them sat in the same tractor-trolley and headed towards Yamuna, U.P. I, my grandfather Brahma Singh, s/o Devi Dutt, and Dhanpat s/o Kheturam, followed them in search of the bodies, crossed the Yamuna, and went into U.P, but we could not determine where they had taken the bodies of my grandfather Ramkishan and my deceased uncle Satish. They also took away one thousand rupees in cash and the case file. Due to fear, the people of village Raksera did not support us, as the accused had threatened the villagers that if anyone supported us, they would shoot them too. Now, I and my relatives Brahmaddutt, S/O Devidutt, and Dhanpat, S/O Kheturam-were going to Police Station Samalkha to report this. You met us at the Raksera bus stand itself. I have written my statement, heard it, and confirmed that it is correct. Legal action should be taken against the above-mentioned culprits."

3. Learned counsel for the petitioner contends that so far as the attribution against the petitioner is concerned, the same is only to the effect that after the murder had been committed, the dead-bodies were loaded in the tractor-trolley so as to cause disappearance of the evidence of

commission of offence. He contends that there is no overt act of participation on the part of the petitioner in commission of murder. He submits that the petitioner was unaware of the proceedings but had been declared as a proclaimed offender vide order dated 25.07.2001 and later he was arrested on 10.07.2019 and has been in custody since then. He contends that the petitioner has already undergone an actual custody of 06 years 08 months. He contends that the trial is progressing at slow pace and only 05 prosecution witnesses out of 39 have been examined so far.

4. Learned State counsel contends that the petitioner remained absconding for a period of nearly 19 years hence, there is a flight risk. She, however, does not dispute that no overt act has been attributed to the petitioner in the offence of murder and that the attribution against the petitioner was that of assisting the accused in disappearance of the evidence by carrying the dead-bodies in the tractor-trolley. The period of custody already undergone by the petitioner and the stage of trial are also not disputed by her.

5. Having heard the learned counsel for the parties and taking into consideration the facts and circumstances as noted above, including the period of actual custody undergone by the petitioner, nature of allegations against the petitioner, the stage of the trial and bearing in mind that the conclusion of the trial is likely to take a long time, I am of the opinion that equities weigh in favour of the petitioner.

6. Accordingly, the instant petition is **allowed** and the petitioner is ordered to be admitted to regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate

concerned.

7. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

8. The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

19.03.2026

Mangal Singh

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

(VINOD S. BHARDWAJ)
JUDGE