

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

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**CRM-M-28158-2020**  
**Date of decision: 21.09.2020**

Nofil Anwar

... Petitioner

Vs.

State of Haryana

... Respondent

**CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Mr.P.L.Verma, Advocate  
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana  
for the respondent-State.

**SUVIR SEHGAL J. (ORAL)**

The hearing of this petition has been taken up through video conferencing on account of outbreak of Covid-19 Pandemic.

The instant petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.104 dated 05.04.2019 registered under Section 302 IPC and Sections 25, 54 and 59 of the Arms Act, 1959 at Police Station Gurugram City.

As per the version of the prosecution, a complaint was received from Nanu Singh, who was working as a mason wherein he stated that he

received a message that his son, Jugal Kishore, aged 25 years has had a scuffle and he was asked to reach Sheetla Hospital, Gurugram immediately where his son was working. When he reached the hospital with his relatives, he found that his son had actually been murdered. He named Nofil Anwar (present petitioner) as the person who had repeatedly stabbed his son and thereafter fled from the spot. During investigation, the petitioner was arrested on 06.04.2019 and on the basis of his disclosure statement, a knife, clothes and shoes of the accused were recovered.

Counsel for the petitioner has argued that the petitioner has been falsely implicated in the case and the allegations levelled in the FIR are fabricated. His contention is that the petitioner has been involved on the basis of his confessional statement which has no evidentiary value. Counsel submits that the petitioner is in custody since the last almost 1½ years and the trial is likely to take time to conclude, therefore, he should be enlarged on bail.

Opposing the petition, learned State counsel, upon instructions from ASI Ashok Kumar, has submitted that the petitioner has admitted to his involvement in the crime in his confessional statement. The weapon of offence and other material was collected on the statement of the accused-petitioner. As per his instructions, the challan was filed on 04.07.2019, charge under Section 302 IPC and Section 25 of the Arms Act was framed against the accused and he was charge-sheeted on 27.11.2019. He submits that the statement of the complainant is yet to be recorded and this is not the juncture to grant regular bail to the petitioner.

I have considered the rival submissions of the parties.

The father of the deceased has specifically named the petitioner in his complaint. The trial is in its very initial phase and the statement of the complainant is yet to be recorded. Therefore, at this stage, the concession of regular bail does not deserve to be extended to the petitioner. The petition is, accordingly, dismissed.

It is clarified that any observation made hereinabove shall not be construed to be an expression on the merits of the case.

**21.09.2020**

pooja saini

**(SUVIR SEHGAL)**  
**JUDGE**

Whether Speaking/Reasoned : Yes/No

**Whether Reportable : Yes/No**