

CRM-M-37527-2020

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

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Date of decision: 17.11.2020

Mahesh Kumar

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Pratham Sethi, Advocate,
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. J.S.Hooda, Advocate,
for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks regular bail in case
FIR No.206 dated 17.06.2020, registered at Police Station Adarsh Nagar,
Ballabgarh, Faridabad, under Sections 120-B, 302, 323 and 506 IPC and
Sections 34 IPC and 25 of the Arms Act, 1959 (added later on).

Learned senior counsel for the petitioner contends that as per
the FIR, the petitioner had caught hold of the left hand of Uma Shankar
(since deceased) and knife blows had been inflicted by Manish and Piyush
@ Passu upon the deceased, whereas after taking into consideration the
CCTV footage, when nothing was found in respect of catch holding of the
hand of deceased by the petitioner, a supplementary statement of the
complainant was recorded on 19.06.2020 wherein it was stated that Mahesh

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(present petitioner) and Deepak had come running and asked the boy to kill him and ensure that he might not survive. Learned senior counsel further submits that it is an improvement by way of supplementary statement just to falsely implicate the petitioner because nothing was found against him in the CCTV footage.

On the other hand, learned State counsel assisted by the learned counsel for the complainant, submits that the petitioner had actively participated in committing the murder of Uma Shankar as it is clear from the CCTV footage that the petitioner had been present in the hospital at the time of occurrence. It is also argued that even at the initial stage, there was a dispute between the deceased and the petitioner regarding dues of the Society and the accused party having nurtured a grudge against the deceased had raised quarrels with him several times regarding which a case had been registered against the accused party. It is also stated that challan has already been presented.

I have heard the learned counsel for the parties.

As per the FIR, the petitioner had allegedly caught hold of the left hand of the deceased and Manish and Piyush @ Passu had inflicted knife blows upon the deceased, whereas the complainant got his supplementary statement recorded by improving his version that the petitioner and Deepak had come running and asked the boy to kill him(deceased) and ensure that he might not survive. The petitioner has been in custody since 18.07.2020. Trial of the case would take time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the

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merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

17.11.2020

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No