

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

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CRM-M-33935-2022

Date of Decision : **September 13, 2022**

SAHIL GOYAL

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Rahul Rathore, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

JASGURPREET SINGH PURI. J. (Oral)

The present 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.3 dated 3.1.2022 under Sections 302, 307, 34 IPC, registered at Police Station Krishna Gate, Thanesar, District Kurukshetra.

It has been submitted by the learned counsel for the petitioner that the petitioner is a young boy of the age of 24 years and is in custody from 6.1.2022 and he is a meritorious student and is pursuing CA. He submitted that the petitioner belongs to a well educated family and he is not involved in any other case and has clean antecedents. He further submitted that it is a case where the allegations are that the petitioner was sitting in the car next to the driver seat and the complainant had also parked the car outside a bakery shop and had asked the petitioner to move the car. The other co-accused, who is the friend of the petitioner had gone into the bakery shop and before he could come

out on a spur of moment an altercation took place between the complainant and the petitioner and rather the complainant started beating the petitioner since he was not able to move the car as he did not have the keys of the car. In the meantime when the other co-accused came then the fight had already taken place and looking at the same as per the allegations the other co-accused had stabbed the deceased on the neck and chest. He submitted that there was no motive in the present case as there was no premeditated design of any of the persons and, therefore, even otherwise also offence under Section 302 IPC was not made out. He further submitted that since the investigation of the case has already been completed and no recovery is to be effected from the petitioner, he may be considered for the grant of regular bail.

On the other hand, the learned State counsel has submitted that it is correct that the petitioner is in custody from 6.1.2022 and after the investigation of the case, charges have been framed on 4.6.2022. He further submitted that it is also correct that the petitioner is not involved in any other case. He has, however, opposed the grant of regular bail to the petitioner on the ground that as per the allegations, the petitioner had caught hold of the complainant when the other co-accused had stabbed the deceased.

I have heard the learned counsels for the parties.

The petitioner is in custody from 6.1.2022 and as per the learned counsels for the parties the investigation has been completed and no recovery is to be effected from the petitioner. Admittedly, the petitioner is not involved in any other case as per the learned counsels for

the parties. As per the allegations, a fight had taken place which resulted into the death of one person, namely, Harbhajan Singh. The argument raised by the learned counsel for the petitioner that there was no motive or any premeditated reason by which the death has been caused does carry weight for the purpose of considering the application for the grant of regular bail. It is not the case of the State that in case the petitioner is released on bail then he may influence any witness or may tamper with any evidence or may flee from justice.

Therefore, considering the totality of the circumstances of the present case, this Court deems it fit and proper to grant bail to the petitioner.

Consequently, the petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

September 13, 2022

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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No