

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-773-2023
Date of Decision:- 16.5.2023

Karamveer
... Petitioner(s)
Versus
State of Haryana
... Respondent(s)
-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH
-.-

Argued by :-
Mr. Anil Kumar Malik, Advocate
for the petitioner.
Mr. Vishal Kashyap, DAG, Haryana.

KARAMJIT SINGH, J.

1. The petitioner has approached this Court seeking grant of regular bail in a case having FIR No.206 dated 8.7.2021 registered under Sections 148, 149, 302 IPC at Police Station Ganaur, District Sonapat.
2. The allegations in brief are that on 7.7.2021 complainant-Abhishek, his brother Pawan and cousin Sandeep and 3-4 other friends went to attend marriage function, where Monu and other persons were also present. At about 8:30 p.m. all of them were dancing on DJ Floor and at that time altercation took place between co-accused Johny and

aforesaid Sandeep but immediately they were got separated. Again at 11:30 pm, both of them again started quarreling. On this Sandeep and Parveen were asked to go to Garhi Jhijara road and complainant and other persons also followed them. In the meantime, Jhony and his friends also left on 2/3 motorcycles and Jhony and his companions intercepted Sandeep and Parveen and started beating them. In the meantime, Parveen succeeded in running away from there but Jhony and his friends kept on beating Sandeep and after sometime, Jhony and his companions left the place and then complainant reached there and saw that Sandeep was lying unconscious and he was brought to Civil Hospital, Sonapat, whereby the concerned doctor declared him dead. Co-accused Jhony was named in the FIR. During investigation

3. The counsel for the petitioner has *inter-alia* contended that the petitioner was falsely implicated in the present case on the basis of alleged disclosure statement made by co-accused Jony, who was named in the FIR. The counsel for the petitioner further submits that later on the petitioner was arrested by the police, but no objectionable article was recovered from his possession and that the custody period of petitioner comes up to be more than 1 year and 9 months and that the petitioner is having no criminal history. The counsel for the petitioner further submits that the trial is not progressing ahead and that no purpose is going to be served by detaining the petitioner in custody for any longer period.

4. The present petition is resisted by State counsel, who on instructions from SI Raj Kumar has submitted that the petitioner was also member of the unlawful assembly, which committed murder of Sandeep. However, the State counsel has not disputed the fact that the petitioner was not named in the FIR and nominated as accused on the basis of disclosure statement suffered by co-accused Jony and as per said disclosure at the time of occurrence, petitioner gave danda blows to the deceased. The State counsel has further submitted that during investigation, petitioner disclosed that the aforesaid wooden danda was thrown away by him and as such no recovery was effected at the instance of the petitioner. However the State counsel has not disputed the fact that the petitioner is in custody for the last 1 year and 9 months and is having no criminal antecedents and that complainant has been examined but it will take time for the trial to conclude.
5. I have considered the submissions made by counsel for the parties.
6. Admittedly the petitioner was not named in the FIR and nominated as accused on the basis of disclosure statement made by co-accused Jony and as per said disclosure statement, petitioner gave danda blows to the deceased. As per post-mortem examination report of Sandeep, it appears that the cause of death in the present case was heamorrhagic shock due to ante-mortem stab injury wound on the left thigh, which was sufficient to cause death in ordinary course of nature. Further the admissibility and relevance of the aforesaid disclosure statement suffered by co-accused against the petitioner will be tested during trial.

Admittedly the petitioner is in custody for the last 1 year and 9 month and trial is going on and already 9 witnesses are examined out of total 19 witnesses on behalf of the prosecution. Even as per State counsel, complainant is already examined during the trial. Still, it will take considerable time for the trial to conclude. The petitioner has been charged under Section 302 IPC with the aid of Section 149 IPC. The exact complicity of the petitioner in murder of Sandeep will be unfolded during trial. In the given circumstances, no purpose is going to be served by detaining the petitioner in custody for any longer period.

7. Thus, without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

16.5.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No