

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

CRM-M No.1834 of 2023
Date of decision: 16th February, 2023

Ajay

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Munish K. Garg, Advocate for the petitioner.
Mr. Rahul Mohan, Dy. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (O&M)

This is second petition of the petitioner filed under Section 439 Cr.P.C. in case bearing FIR No.150 dated 14.07.2020 under Sections 302, 120-B IPC registered at Police Station Nathusari Chopta, District Sirsa.

Learned counsel for the petitioner inter alia submits that the previous petition seeking similar relief was withdrawn as inadvertently involvement of the petitioner in another criminal case had not been mentioned in the said FIR. Learned counsel submits that the case in hand rests on circumstantial evidence. The petitioner had no motive whatsoever to commit the murder of deceased Santro and Jalandhar Singh, and the petitioner was nominated as an accused on the basis of a disclosure statement made by co-accused Sonu, who has since been

extended the concession of bail vide order dated 17.01.2022. Learned counsel further contends that the motive to commit the crime in question was also qua the main accused Sonu as he and his family were unhappy with the alleged illicit relationship of his maternal grandmother i.e. deceased Santro with deceased Jalandhar Singh. Learned counsel submits that since an application under Section 319 Cr.P.C. for summoning co-accused Brij Lal has been allowed, a de-novo trial has now commenced and in the circumstances, the trial would take a considerable time to conclude.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not been able to dispute that the petitioner was nominated as an accused pursuant to the disclosure statement made by co-accused Sonu, however, he submits that as per the disclosure statement, the petitioner was accompanying Sonu at the time of alleged occurrence. While co-accused Sonu inflicted stab wounds on the deceased, the petitioner attacked the deceased with a rod which he was carrying.

I have heard learned counsel for the parties and perused the relevant material on record.

The petitioner has been now in custody since 16.07.2020 and there is no likelihood of the trial concluding in the near future, as a de-novo trial has commenced pursuant to application under Section 319 Cr.P.C. being allowed for summoning accused Brij Lal by the trial

Court. As many as 25 prosecution witnesses have been cited by the investigating agency. Further, as conceded by the learned State counsel, all the other accused including the main accused Sonu have since been extended the concession of bail vide orders dated 17.01.2022 and 04.12.2020.

In the facts and circumstances as enumerated hereinabove, this Court deems it fit to allow the instant petition. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

February 16, 2023
rps

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