

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

229

CRM-M-32251-2023

Date of decision: 10.10.2023

Shoyab alias Md. Shoyab

....Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Bipan Ghai, Senior Advocate with
Mr. Nikhil Ghai, Advocate and
Mr. Kunal Jindia, Advocate, for the petitioner.
Mr. P.K. Aggarwal, DAG, Haryana.

DEEPAK GUPTA, J. (Oral)

Prayer in the present petition filed under Section 439 Cr.P.C is for grant of regular bail to the petitioner in case FIR No.26, dated 29.01.2023, registered under Section 302 of the IPC, at Police Station NIT Faridabad, District Faridabad.

The FIR was lodged on the complaint of Abdul Kareem, as per which on 28.01.2023 at 5.30 p.m., his son Irfan (deceased) had left home with his friend Shoyab (the present petitioner). However, at 7.15 p.m. the complainant had received a telephonic message that his son Irfan was admitted in hospital having received serious injury in his head. The complainant reached the Asian Hospital but by that time his son had been declared dead. It is alleged that his son has been murdered. FIR was registered against the petitioner.

The contention of learned senior counsel appearing for the petitioner is that the petitioner and the deceased are friends. The deceased had received injuries in a road traffic accident and it is the petitioner who had taken the deceased to the hospital, which fact is mentioned even in the *ruqa* sent from the Asian Hospital, Faridabad to the Police Station, a copy of which has been annexed as Annexure P-2. Even in the post-mortem report (copy Annexure P-4), there is a reference that son of the complainant was brought dead in the emergency department of the Asian Hospital having sustained injuries in accident.

Learned senior counsel has further drawn attention towards statement of PW-1 Abdul Kareem, the complainant of the case, beside PW-2 Ashmeena @ Aseema wife of the deceased, PW-3 Azharuddin and PW-4 Sameen, all of whom deposed before the trial Court that in fact the deceased Irfan had received injuries in a road side accident.

Learned State counsel does not dispute that the material witnesses have not supported the case of the prosecution before the trial Court.

Heard.

There is no eye witness of the occurrence. The case of the prosecution was dependent upon the last seen, inasmuch as the petitioner was seen in the company of the deceased. However, considering the medical reports and the statements of the four witnesses as have been referred above made during trial, *prima facie* it appears that the deceased had sustained injuries in a road side accident resulting in his death.

Having regard to the aforesaid facts and circumstances but without commenting anything further on the merits of the case, the present

petition is allowed. The petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate concerned.

Disposed of.

(DEEPAK GUPTA)
JUDGE

October 10, 2023
vcgarg

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