

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

CRM-M-38986-2023

Date of Decision: September 22, 2023

FARUKH

..... Petitioner

Versus

STATE OF HARYANA

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Pankaj Nehra, Advocate for the petitioner.
Mr. R.K.S. Brar, Sr. DAG, Haryana.

HARKESH MANUJA, J. (ORAL)

By way of present petition, prayer has been made for grant of regular bail pending trial in case FIR No.111 dated 14.03.2022 registered under Sections 302 and 34 of IPC (Sections 404 and 201 IPC and Sections 61/4/20 of Haryana Excise Act added later on) at P.S. NIT Faridabad, District Faridabad, Haryana.

2. As per the FIR, the dead body of deceased namely Deepak was found from the house of Naveen with injury marks on his person. Later during investigation, Naveen in his disclosure statement named the present petitioner giving details of his involvement in the incident in question.

3. Learned counsel for the petitioner submits that petitioner was never named in the FIR and was implicated on basis of disclosure made by co-accused Naveen. He further submits that even as per the disclosure, no injury was attributed to the petitioner as he only

caught hold of the deceased. Learned counsel further pointed out that the petitioner has already suffered incarceration for a period of around one year and six months, investigation has already been concluded and no useful purpose would be served by keeping him behind the bars.

4. On the other hand, learned State counsel while relying upon the FIR as well as disclosure statement made by co-accused Naveen submits that the petitioner actively participated in the incident as he was the one who caught hold of the deceased resulting into inflicting of injuries upon the person of deceased at the hands of the co-accused.

5. I have heard learned counsel for the parties and gone through the paper-book. I find substance in the submissions made by learned counsel for the petitioner.

6. In the present case, a perusal of the FIR shows that the petitioner was never named in the FIR and was implicated on the disclosure made by co-accused Naveen. Even as per the disclosure, the petitioner caught hold of the deceased, however, no injury was attributed to him. Further, investigation in the present case already stands concluded with filing of challan, followed by framing of charges, besides the complainant already having been examined. Moreover, the trial is likely to take some time as out of 27 witnesses only 7 have been examined so far and keeping in view the custody period which is around one year and six months, no useful purpose is going to be served by keeping the petitioner behind the bars, especially in view of the fact that petitioner is not involved in any other FIR.

7. In view of the above, without commenting anything on the merits, lest it may prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

22.09.2023
tejwinder

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>