

CRM-M-48093-2023

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*2023:PHHC:139736*

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

CRM-M-48093-2023

Date of decision : 02.11.2023

**Inderpal @ Kuli**

**...Petitioner**

**Vs.**

**State of Haryana**

**...Respondent**

**CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. B.S. Mamli, Advocate  
for the petitioner.

Mr. Aditya Pal Singla, AAG, Haryana.

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**DEEPAK MANCHANDA, J.**

This is the second bail petition filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail in case FIR No.567 dated 09.11.2021 (Annexure P-1) under Sections 302, 120-B and 34 of Indian Penal Code, 1860 registered at Police Station City Fatehabad, District Fatehabad.

As per the prosecution case, on 09.11.2021, complainant Vinod Kumar (brother of deceased) received information from persons of his colony that one young boy who was wearing blue lower and checked T-shirt was murdered by some persons by giving knife blows at Bighar Road, Fatehabad and thereafter, he reached near Pioneer School, Bighar Road, Fatehabad on motorcycle and on enquiry from persons present at the spot, he came to know that said boy was taken to Govt. Hospital, Fatehabad in ambulance. Thereafter, he reached at Govt. Hospital and found that dead body of his brother-Sukhdev Singh was lying on stretcher in emergency ward and several injuries caused with knife were present on his dead body. As per the complainant, on 08.11.2021, his brother Sukhdev

had told him that on 06.11.2021 in the evening, when he was eating egg near Puliya (bridge) of canal, then one Pali, resident of Hans Colony, Fatehabad came there and started quarreling with him and tried to assault him with knife but he saved himself and Pali also gave threats to kill him in future. He has strong suspicion that Pali and his friends had murdered his brother Sukhdev by giving knife blows. On these broad allegations, FIR was registered.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present FIR as the complainant himself alleged that the co-accused, namely, Pali had inflicted injuries to the deceased and the petitioner's name is no where mentioned in the FIR and no injuries attributed to him, who is in custody since 18.11.2021. Learned counsel further contends that the role attributed to the petitioner that he had given fist and punch blow to the deceased as per his disclosure statement dated 19.11.2021 and out of six injuries none is attributed to the petitioner. He also submits that there is no evidence against the petitioner to link him with the alleged incident and he has been implicated on the basis of supplementary statement of the complainant. He further submits that during the course of investigation, co-accused-Pali, resident of Hans Colony, Fatehabad was found innocent and the other co-accused Lalit @ Sheru and Anoop @ Mani were arrested, and on interrogation, they suffered their disclosure statement admitting their guilt. Co-accused Anoop @ Mani got recovered jacket stained with blood, which was worn by him and the knife used in the commission of offence. He also submits that challan stands presented on 15.02.2022 and the charges have been framed on 29.04.2022 and out of total 24 prosecution witnesses, none has been examined so far. According to him, the trial will take considerable time to conclude, therefore, he prays that the petitioner be released on regular bail during the pendency of the trial.

Learned State counsel has filed the custody certificate dated 01.11.2023 along with status report dated 25.10.2023 by way of affidavit of Jaipal Singh, HPS, Deputy Superintendent of Police, HQ, Fatehabad on behalf of the respondent-State. The same are taken on record. Copy thereof has been supplied to the counsel opposite.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions, opposes the prayer of regular bail to the petitioner, while submitting that the offence alleged against the petitioner is serious in nature. He submits that challan stands presented against the accused, including the petitioner and charges have been framed under Section 302, 120-B and 34 of IPC against all the accused persons. The role and conduct of the petitioner is on equal pedestal with co-accused Anoop and Lalit and all are equally liable for the murder of deceased. Hence petitioner is not entitled for bail.

I have heard the learned counsel for the parties.

Keeping in view of the facts as well as submissions made by learned State counsel; the statements dated 19.11.2021 made before the police annexed as Annexures R-2 & R-3 with reply of the State and the conduct of the petitioner, who had actively participated in the alleged crime, which resulted into the death of deceased-Sukhdev, the petitioner is not entitled for grant of concession of regular bail. Moreover, there is no change of circumstances as earlier bail application was withdrawn vide order dated 21.03.2023.

Accordingly, the present petition is dismissed.

(DEEPAK MANCHANDA)  
JUDGE

02.11.2023

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|-----------------|-----------------------------|-----|----|
| nisha-II/vanita | Whether speaking/reasoned : | Yes | No |
|                 | Whether Reportable :        | Yes | No |