

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

219

2023:PHHC:163446

CRM-M-49436-2023

Date of decision: December 19th, 2023

Sunil alias Meen

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Raman Chawla, Advocate
for the petitioner.

Mr. Rahul Mohan, Senior Deputy Advocate General,
Haryana.

Mr. Babbar Bhan and Mr. Mohit Nehra, Advocates
for the complainant.

MANJARI NEHRU KAUL, J.

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.452 dated 04.08.2022 registered under Sections 148, 149, 365, 302 and 120-B of the IPC (Sections 364, 216 of the IPC added later on) registered at Police Station Civil Lines, Hisar.

2. Learned counsel for the petitioner, *inter alia*, contends that a false case has been planted upon him. While drawing the attention of this Court to the FIR, which has been annexed as Annexure P-1, it has been further submitted that neither was the petitioner named in the FIR, which came to be registered on 04.08.2022 nor was there any whisper raised qua his involvement in the murder of Lalit. However, the petitioner was nominated as an accused much later and that too, in the disclosure statement made by co-accused Mintu, who merely stated that the petitioner was accompanying him and the other co-accused in the

Bolero in which the deceased was made to sit. Learned counsel submits that the false implication of the petitioner finds further credence from the fact that prior to the recording of the disclosure statement of co-accused, a supplementary statement of the complainant was made on 01.09.2022 i.e. after almost a month of the crime in question, wherein also the petitioner was not named nor any suspicion raised qua his involvement. Learned counsel in support has drawn the attention of this Court to the supplementary statement annexed as Annexures P-1 to P-3. It has been further submitted that co-accused, who too had not been named in the FIR in question, had already been granted the concession of bail by this Court vide order dated 24.04.2023 annexed as Annexure P-5. Learned counsel has submitted that in the above facts and circumstances, since the petitioner has now been in custody for more than one year after having been arrested on 30.11.2022, his further incarceration would serve no useful purpose as the investigation in the case in hand was complete, coupled with the fact that the trial had not proceeded since a supplementary challan had been presented against two others. Learned counsel has also urged that the petitioner has clean antecedents as he is not involved in any other criminal case.

3. *Per contra*, learned State counsel assisted by learned counsel for the complainant, has opposed the prayer and submissions made by the counsel opposite. It has not been disputed that the petitioner was not named in the FIR in question nor was he named in the supplementary statement recorded by the complainant after one month of the crime in question. However, it has been asserted by the learned counsel that the name of the petitioner surfaced in the disclosure statement made by co-accused, who categorically stated that

the petitioner also was accompanying the other co-accused at the time when the deceased was done to death; there was a video recording also, wherein the petitioner could be seen in the company of the co-accused at the time of the occurrence in question.

4. On a pointed query put to the learned State counsel as to whether the petitioner has any criminal antecedents or is involved in any other criminal case, he on instructions, has replied in the negative.

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

6. As not disputed by the learned State counsel, the petitioner was neither named in the FIR in question nor was any suspicion raised qua his involvement in the crime in question; the petitioner came to be nominated much later in the disclosure statement made by co-accused Mintu. Even in the supplementary statement recorded after one month of the occurrence, the complainant did not name the petitioner as being one of the persons, who was involved in the crime in question. There is no likelihood of the trial concluding in the near future as supplementary challan qua the co-accused is to be presented shortly. Since the petitioner is not stated to be involved in any other criminal case, this Court deems it fit extend the concession of bail to the petitioner.

7. The instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek

cancellation of the same.

December 19th, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No