

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

220

**2023:PHHC:138867**

**CRM-M-52914-2023**

Date of decision: October 31<sup>st</sup>, 2023

Kunal Thakral

.....Petitioner

Versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. Chanakya Pandit, Advocate  
for the petitioner.

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

**MANJARI NEHRU KAUL, J. (ORAL)**

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.595 dated 06.10.2022 under Sections 148, 149, 323, 452, 302, 506, 216 of the IPC read with Sections 25/27/30 of the Arms Act, 1959, registered at Police Station Tehsil Camp, Panipat.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner, who has been in custody since 12.10.2022, has been falsely implicated in the case in hand, which is evident from a perusal of the FIR, which has been annexed as Annexure P-1. It has been submitted that as per the allegations levelled in the FIR, it was co-accused Parveen and Sadhu, who came to the house of the deceased along with a number of other accused and launched an unprovoked attack on him; during the occurrence in question, both co-accused Parveen and Sadhu then fired at the deceased with their respective firearms, which proved to be fatal for him. Learned counsel submits

that the petitioner was not even named in the FIR in question, though the complainant had named 11 other persons, who had accompanied the main accused Parveen and Sadhu at the time of alleged occurrence. It has been submitted that the petitioner came to be nominated on the basis of a disclosure statement suffered by co-accused Parveen @ Baru, who stated that the petitioner was also accompanying him at the time of the occurrence in question. Learned counsel has also submitted that in the statements recorded under Section 161 of the Cr.P.C. by the witnesses to the occurrence, not even in one of them, the name or role of the petitioner has come to the fore. Learned counsel has also drawn the attention of this Court to Annexures P-3 and P-4, wherein similarly situated co-accused i.e. Rahul Kukreja and Sandeep @ Tinda have been extended the concession of bail by a coordinate Bench of this Court vide order dated 20.09.2023 and 12.10.2023 passed in CRM-M-39208-2023 and CRM-M-50775-2023 respectively. Learned counsel has thus, prayed that in the aforementioned facts and circumstances, coupled with the fact that after the charges were framed on 02.06.2023, none of the 40 prosecution witnesses had been examined, his further incarceration would serve no useful purpose as there is no likelihood of the trial concluding in the near future.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from S.I. Ranbir, has not disputed that the petitioner was not named in the FIR in question and came to be nominated as an accused only in the disclosure statement allegedly suffered by the main accused. Learned State counsel, on instructions, has also not disputed that the case of the petitioner is at par with the co-accused, who have since been

extended the concession of bail. Learned State counsel has also not disputed that none of the prosecution witnesses have been examined, however, he submits that the case is fixed for today before the trial Court when some prosecution witnesses have been summoned.

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

5. As not disputed by the learned State counsel, fatal injuries have not been attributed to the petitioner but to co-accused Parveen and Sadhu with their respective firearms. The only role even as per the disclosure statement suffered by co-accused Parveen @ Baru qua the petitioner is that he was accompanying them when they went to the house of the deceased. The trial is unlikely to conclude in the near future as none of the prosecution witnesses out of the 40 cited had been examined.

6. In the facts and circumstances as enumerated hereinabove, 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.

**October 31<sup>st</sup>, 2023**  
*Puneet*

**(MANJARI NEHRU KAUL)**  
**JUDGE**

Whether speaking/reasoned : Yes  
Whether reportable : No