

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

**210**

**CRM-M-59791-2022  
Date of decision: 06.01.2023**

Ajay .....Petitioner  
Versus

State of Haryana .....Respondent

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

Present : Mr. Munish Kumar Garg, Advocate for the petitioner.

Mr. Gagandeep Singh Chhina, DAG, Haryana.

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

This is the first petition filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in case FIR No.150 dated 14.07.2020 lodged under Sections 302 and 120-B IPC registered at Police Station Nathusari Chopta, District Sirsa (the petitioner was charge-sheeted under Sections 302, 120B and 34 IPC vide order dated 25.03.2021).

Learned counsel for the petitioner submits that the case in hand is based on circumstantial evidence and the petitioner in fact had no motive to commit the murders of Santro and Jallandhar Singh. Learned counsel further submits that the petitioner was nominated as an accused on the basis of a disclosure statement made by main accused Sonu, who in fact has been attributed the motive to commit the crime in question since his maternal grandmother deceased Santro, was in an illicit relationship with deceased Jallandhar Singh. He further submits that main accused Sonu has since been extended the concession of bail vide order dated 17.01.2022. It has also been submitted that all other co-accused too have been extended the concession of bail by this Court.

He still further submits that the petitioner has now been in custody since 16.07.2020 and there is no likelihood of the trial concluding in the near future as a denovo trial has commenced after co-accused Brijlal was summoned to face trial under Section 319 of the Cr.P.C. He thus, prays that in the circumstances, further incarceration of the petitioner would serve no useful purpose.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, submits that no doubt the petitioner was not named in the FIR in question and was nominated as an accused only on the basis of a disclosure statement of co-accused Sonu, however, he was accompanying the main accused Sonu, at the time of alleged occurrence and inflicted stab wounds on the person of the deceased. Learned State counsel still further submits that the petitioner is involved in one more case i.e. FIR No.292 dated 24.08.2017 registered under Sections 323, 353, 294 and 506 IPC at Police Station Bhuna, Fatehabad which has been concealed in the instant petition.

Learned counsel for the petitioner, however, submits that he is unaware about the involvement of the petitioner in another criminal case and had it been so, he would not have failed to make a mention of it in his petition. He thus, prays for withdrawal of the instant petition.

Dismissed as withdrawn.

06.01.2023

Vinay

(MANJARI NEHRU KAUL)  
JUDGE

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