

210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-63350-2023
Date of decision : 21.12.2023

KARANPetitioner

Versus

STATE OF HARYANARespondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Gaurav Gupta, Advocate
for the petitioner.

Mr. A.K. Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.481 dated 30.05.2022 registered for the offences punishable under Sections 148/149/302/323/324 of IPC, 1860 and Sections 307/506 IPC and Section 25 of Arms Act, 1959 added later on at Police Station Karnal City, District Karnal.

2. Custody Certificate of the petitioner has been filed today in Court. The same is taken on record.

3. FIR was registered on the statement made by Sanjay Taank father of the deceased who alleged as under :

“xxx I am resident of abovementioned address and doing the stitching work. I have two sons and three daughters and my three daughters are already married. My son Anuj @ Aman Kumar

aged about 17 years who was doing the labour work in hotel. Yesterday on dated 29.05.2022 my son Anuj @ Aman Kumar came at house in the morning and said that after purchasing the shoes from the market he will go Banso Gate Karnal for celebrating his friend Vishal son of Ramdin r/o Anand Vihar Karnal's birthday and birthday will celebrate in the house of Vipul son of Madan Lal r/o Banso Gate Karnal. I came to know that after stop the DJ at about 10 pm in the street Shibu @ Shivam son of Rajender Kumar Balmiki, Karan son of Sunil Balmiki, Armaan @ Billa, Giani son of Rajender @ Kaka, Gautam r/o Banso Gate Karnal and Jaanu, Noti @ Natis sons of Sushil r/o Indra Colony and Nona r/o street No. 2 Magal, Colony, Karnal inflicted injuries with sharp edged weapons to my son Anuj @ Aman Kumar, Sachin and one another boy. On account of the injuries sustained in the occurrence my son has been died. Legal action may kindly be taken against all the above mentioned boys. Statement given by me in the hospital and the same is correct.xxx”

4. During the course of trial complainant Sanjay Taank appeared as PW-1 and stated as under :

“Stated that I am resident of abovesaid address. On 29.05.2022, I was present at my house. On that day, my son Anuj Kumar @ Aman Kumar went for his work and in the evening he went to the house of Vipul son of Madan Lal, resident of Banso Gate, Karnal to attend a birthday function. I came to know that few persons quarreled with my son and caused injuries to him with sharp edged weapons, due to which my son expired. I do not know the persons who caused injuries to my son and killed him. I have seen Karan, Ankush @ Noni and Bharat, all residents of Banso Gate, Karnal present in the court, but they neither caused injuries nor killed my son.”

5. Likewise one of the injured witnesses namely Sachin appeared as PW-2 and stated as under :

“Stated that I am resident of abovesaid address. On 29.05.2022, I alongwith my friend Anuj @ Aman Kumar went to the house of my another friend Vipul for celebration of his birthday at Banso Gate. Karnal on motorcycle. In the meantime, some boys alongwith danda and gandasi were standing and saying that we will kill Aman and they caused injuries to me on my person and kill Aman with knife, gandasi and dandas. I have seen Karan, Ankush @ Noni and Bharat, all residents of Banso Gate. Karnal present in the court through video-conferencing, but they neither caused injuries to me nor killed Aman.”

6. Vipul at whose house the celebrations were allegedly going on leading to the death of the deceased Anuj @ Aman Kumar also appeared as PW-3 but did not support the case of the prosecution. All the witnesses were declared to be hostile and the fact remains that neither the complainant nor the injured witness and nor the eye-witness have supported the case of the prosecution. Petitioner is behind bars for more than 1 year, 6 months and 17 days. He has no criminal antecedents and counsel for the State admits that nothing has been recovered from the petitioner that can incriminate him.

7. I have heard counsel for the parties and have gone through records of the case.

8. In view of above, without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner,

the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

9. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

December 21, 2023		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No