

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

220

CRM-M-5009-2024

Date of decision: 19.03.2024

Karambir

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Kuldeep Sharma, Advocate and
Mr. Anil Kumar Bhardwaj, Advocate
for the petitioner.

Mr. Rajesh Gaur, Addl. A.G., Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (second) petition is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.182 dated 25.05.2022 under Sections 148, 149, 302 of the IPC (Sections 201, 120-B of the IPC added lateron) registered at Police Station Sadar Narwana, District Jind.

2. Learned counsel for the petitioner inter alia contends that a perusal of the allegations levelled in the FIR reveals that the petitioner was neither named therein nor was any role attributed to him in the murder of Rajender (hereinafter referred to as 'deceased'). Learned counsel submits that the petitioner came to be nominated as an accused on a disclosure statement allegedly suffered by the prime accused Anil @ Vicky, nephew of the wife of the deceased, who stated that he along with his friends including the petitioner had committed the murder of the deceased on 24.05.2022 on account of a verbal altercation that took

place between him and the deceased during the festival of Holi. Learned counsel has submitted that in the FIR in question there was no suspicion raised much less by way of a whisper qua the involvement of the petitioner in the murder of the deceased rather the version put forth by the complainant while getting the FIR registered was at complete variance with the case set up by the prosecution while presenting the challan in question. Learned counsel has submitted that it is case resting on circumstantial evidence and the motive to commit the alleged crime was some apprehension which the estranged wife of the deceased had that the latter could transfer his land in the name of his brother, hence, she along with all her family members including co-accused Anil @ Vicky hatched a conspiracy and carried out the crime in question after assaulting the deceased with sticks and bindas. It has been asserted by the learned counsel that it is a case hinging on circumstantial evidence and motive, which plays a prominent role in such like cases has not even been spelt out against the petitioner but against co-accused Anil @ Vicky coupled with the fact that the petitioner had no occasion to connive with the co-accused to participate in the crime in question. Learned counsel has submitted that in the facts and circumstances, it is apparent that the petitioner has been falsely implicated in the instant case; he has been in custody for almost two years having been arrested on 15.07.2022, hence, his further incarceration of the petitioner would serve no useful purpose as challan stands presented as well as charges stand framed. Since none of the 36 prosecution witnesses have been examined so far, the trial would take considerable time to conclude. It has also been stated by the learned counsel that the petitioner has clean

antecedents as he is not involved in any other criminal case. It has been further submitted that similarly placed co-accused namely Deepak @ Sunil and Jai Bhagwan have already been granted bail by this Court vide orders dated 18.08.2023 and 12.09.2023 respectively (Annexures P-4 and P-5).

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Balwan Singh, has not been able to dispute that the petitioner was neither named in the FIR in question nor was there any suspicion raised qua his involvement in the crime in question. It has also not been disputed by the learned State counsel on instructions that the alleged motive to commit the murder of the deceased had been attributed to co-accused Anil @ Vicky. Learned State counsel has also not disputed the stage of the trial, however, he submits that the next date fixed before the learned Trial Court is 05.04.2024 when recording of the prosecution evidence is likely to commence.

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

5. The case in hand rests on circumstantial evidence. As per the allegations in the FIR, the motive to commit the murder was an apprehension in the mind of the co-accused and his family members that the deceased would transfer his property in the name of his brother, however, lateron when co-accused Anil @ Vicky was apprehended he spelt out an altogether different motive to commit the murder i.e. some verbal altercation between him and the deceased during the festival of Holi. The petitioner came to be nominated as an accused on the basis of

a disclosure statement. As not disputed by the learned State counsel, the trial has not made much headway as none of the prosecution witnesses have been examined till date. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds 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.

19.03.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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