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(215)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-3723-2024

Date of Decision: 13.05.2024

PARTAP SINGH

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Sanpreet Sandhu, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, Asstt. A.G., Haryana.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.99 dated 12.02.2022 registered under Sections 302, 201, 34 IPC, 1860 at Police Station Kharkhoda, District Sonipat.

2. The present FIR came to be registered at the instance of Ravi Kumar son of Jai Narayan and the same reads as under:-

"To the SHO, P.s. Kharkhoda Distt. Sonapat, sir, it is respectfully submitted that I Ravi Kumar s/o Jai Narayan is resident of vill. Titoli Distt. Rohtak. My elder brother has two sons, his elder son is Sanjay, who has gone to work some company for the last about one month and he used to talk to us on telephone that he is working in some company. My nephew Sanjay s/o Ramesh Dutt has called at home at about 7:00 PM on 11.02.2022 that he has come to Delhi and will stay with his friend and tomorrow in the morning on 12.02.2022 will come to his house. Today, at about 9:30 AM,



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a. phone call was received from Telephone No.98131-21900. Today Sanjay is referred to PGIMS, Rohtak from PHC Kharkhoda due to receiving injuries. As soon as, he came to know this, we alongwith family members reached PGIMS, Rohtak. After sometime, ambulance with Sanjay reached PGIMS, Rohtak where Doctor checked my nephew Sanjay and Dr. declared him dead. We checked Sanjay after removing cloth and found marks of his grievous injuries on his body. We have apprehension that my nephew has been murdered by causing him injuries. Therefore, you are requested to take stern legal action against the person, who have murdered my nephew. Sd/- Ravi Kumar 12.02.2022".

3. During the course of the investigation, the supplementary statement of the complainant was recorded on the basis of which the petitioner, Ashish son of the petitioner and Ravi Chhikara came to be nominated as accused.

4. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. His name finds mention in the supplementary statement of the complainant alone as no one has been named in the FIR. Be that as it may, the complainant-Ravi Kumar has been examined as PW-2 and has not supported the case of the prosecution. Similarly, Raj Bala, the mother of the deceased Sanjay has been examined as PW-3 and also has not supported the case of the prosecution. As the petitioner was in custody since 14.02.2022 but only 03 of the 27 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, the petitioner was entitled to the concession of bail.

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5. On the other hand, the learned State counsel contends that the petitioner and his co-accused committed a grave offence of murder. Therefore, he was not entitled to the concession as prayed for. He, however, concedes that both the relevant prosecution witnesses had turned hostile, the petitioner was in custody since 14.02.2022 and that only 03 of the 27 prosecution witnesses had been examined so far.

6. I have heard the learned counsel for the parties.

7. Admittedly, the two material witnesses namely Ravi and Raj Bala have not supported the prosecution case. Whether the remaining evidence is sufficient to affix the culpability of the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. The petitioner is now in custody since 14.02.2022 but only 03 of the 27 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation the further incarceration of the petitioner is not required.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Partap Singh son of Attar Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

13.05.2024

JITESH

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