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

CRM-M-11252-2024

Date of decision : 04.07.2024

Amit @ Chibbu

.....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Karan Singla, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, A.A.G., Haryana.

RAJESH BHARDWAJ, J. (Oral)

Present petition has been filed by the petitioner under Section 439 praying for grant of regular bail in case FIR No.178 dated 06.05.2021, under Sections 120B, 148, 149, 188, 269, 270, 302, 506 and 201 IPC and Section 51 Disaster Management Act, registered at Police Station Sector-5, Panchkula.

Adumbrated facts of the case are that the present FIR was lodged on the statement of Kajal wife of deceased-Karan. It was alleged that on 05.05.2021 at about 10:00 PM her husband Karan, went to ease himself. As he did not return, she went to search him. On the way, when she reached near the house of Ravi, she saw many boys were dancing and petitioner-Amit @ Chibbu was also there with them. She saw while dancing these boys had an altercation with her husband-Karan. They started beating her husband with punches and kicks and he was given a knife blow as well. Her husband collapsed on receiving the stab blow. On seeing the condition of her husband, she became unconscious and regained the consciousness at about 4:00 AM in the morning, when she came back to her home and disclosed about the incident happened. She had alleged that Amit @ Chibbu stabbed her



husband. On the basis of her statement, the present FIR was lodged and investigation commenced. The investigating agency arrested the accused and the petitioner was arrested on 21.05.2021. He approached the Learned Additional Sessions Judge, Panchkula praying for grant of bail, however, the same was declined by the Ld. Additional Sessions Judge vide order dated 15.02.2024. Aggrieved by the same, the petitioner approached this Court praying for grant of bail.

Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in this case. He submits that though the complainant has been projected as an eye-witness but the present case is a blind murder. He submits that in all there are 15 accused named in the FIR and no specific role has been attributed to the petitioner. He submits that in the FIR the complainant has alleged that the petitioner had given a stab blow whereas while being examined as PW-3 in cross-examination, she has named the co-accused, who has attributed the stab blow. He submits that as per the post-mortem, there is only one stab blow to the deceased and rest injuries are not with the knife. It is submitted that evidence of the eye-witness itself is full of contradictions and thus, the false implication of the petitioner is evident. He submits that otherwise out of 15 accused all rest of the 14 accused have been enlarged on bail and the case of the petitioner is not different from their case. It is submitted that the material witnesses already stands examined and the petitioner has no criminal antecedents. He submits that as per the overall facts and circumstances of the present case, the petitioner deserves to be granted regular bail.

Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He submits that the case of prosecution is based on eye-witness account and the eye-witness has duly supported the case of the prosecution. He submits that the contradictions as contended by



the counsel for the petitioner are not material in nature and the same do not affect the case of the prosecution. However, he fairly submits that out of 15 accused all 14 other accused, have been enlarged on bail. He submits that the complainant stands examined and out of 27 witnesses 10 witnesses already stand examined. He has further submitted on instructions that the petitioner is not involved in any other case.

Heard. On hearing counsel for the parties and perusing the record, it is apparent that the petitioner was arrested in this case on 21.05.2021. The FIR has been lodged on the statement of the wife of the deceased, who already stands examined. A perusal of the postmortem report would show that there were 04 injuries to the deceased out of which only injury No.1 was a stabbed wound. The Court would refrain from commenting anything on the merits of the case especially regarding the contradictions as argued before this Court. However, it cannot loose the sight that rest of the 14 accused are already on bail and the material witnesses also stands examined.

The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

04.07.2024
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(RAJESH BHARDWAJ)
JUDGE

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