



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

266

CRA-S-1026-2024 (O&M)
Date of decision: 23.07.2024

Karambir @ Kalu

.....Appellant

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Aditya Sanghi, Advocate
for the appellant.

Mr. Yuvraj Shandilya, AAG, Haryana.

Mr. Sunil Saharan, Advocate
for respondent No.2-complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The appellant is challenging order dated 21.12.2023 passed by learned Additional Sessions Judge, Hisar, whereby his application for grant of regular bail under Section 439 of the Cr.P.C. in case FIR No.275 dated 25.06.2023 under Sections 147/ 148/ 149/ 302/ 307/ 452/ 506/384/216/120-B of the IPC, Section 25 of the Arms Act, 1959 and Section 3(2)(V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015) (for short, 'the SC/ST Act') registered at Police Station Agroha, District Hisar.

2. Status report by way of affidavit of Sanjeev Kumar, HPS, Deputy Superintendent of Police, Hisar-II, on behalf of respondent No.1-State has been filed in the Court today which is taken on record subject to all just exceptions. A copy of the same has been supplied to



the counsel opposite.

3. Learned counsel for the appellant submits that the appellant was neither named in the FIR in question nor any suspicion raised qua his involvement in the murder of Jai Parkash (hereinafter referred to as 'deceased'). It has still further been submitted that even in the FIR in question no motive had been attributed to the appellant to have in any manner connived with the co-accused to carry out the crime in question. In support, learned counsel has drawn the attention of this Court to the allegations levelled in the FIR which has been annexed as Annexure A-1. It has been further submitted that the complainant who is the father of the deceased while getting his statement recorded named a number of other persons, however, concededly the appellant was not named by him. Learned counsel has submitted that it is not even the case of the prosecution that the weapon of offence had been provided to the co-accused by the appellant. However, he had been implicated in the present case only on account of a disclosure statement made by co-accused Arun and his own self confession that he had supplied the cartridges to the co-accused which was then used by them in the crime in question. It has been argued by the learned counsel that in a case resting on circumstantial evidence, motive plays a prominent role which is clearly absent qua the petitioner in the crime in question.

4. Per contra, learned State counsel assisted by learned counsel for respondent No.2-complainant has, however, opposed the prayer and submissions made by the counsel opposite. It has not been disputed that the appellant was not named in the FIR in question nor



any suspicion raised qua his involvement in the crime, however, It has been reiterated that some cartridges had been supplied by the appellant to co-accused Arun, who in turn gave them to the other accused who used them in the occurrence in question.

5. On a pointed query as to whether any specific motive had been spelt out qua the appellant to connive with the co-accused, including the ones who fatally injured the deceased, learned State counsel has fairly submitted that no such motive had come to light qua the appellant during investigation.

6. However, learned counsel for respondent No.2-complainant has argued that it was on account of a political rivalry that the accused party had committed the murder of the son of the complainant and the appellant had lent his tacit support by providing cartridges to co-accused Arun.

7. Learned State counsel, on instructions, however, has not been able to controvert that the investigation in the present case is complete as challan stands presented and the case has been repeatedly adjourned after 29.08.2023 for framing of charges on account of non-production of the accused by the jail authorities. It has been further submitted that the next date fixed before the learned Trial Court is 08.08.2024 when in all likelihood charges are likely to be framed against all the accused.

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

9. The case at hand rests on circumstantial evidence.

**CRA-S-1026-2024 (O&M)****-4-**

Concededly, neither was the appellant named in the FIR nor any clear cut motive was spelt out in the FIR or even in the supplementary statement recorded under Section 161 of the Cr.P.C. by the father of the deceased i.e. the complainant against the appellant. The only role alleged against the appellant is of having supplied cartridges to co-accused Arun who in turn supplied it to the co-accused who then fatally injured the deceased. The trial is unlikely to conclude in the near future as none of the 20 prosecution witnesses have been examined till date as even charges have not been framed till now. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the appellant.

10. Accordingly, the instant appeal is allowed and the impugned order dated 21.12.2023 is set aside. The appellant 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.

11. Needless to add, in case the appellant misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

23.07.2024

Vinay

**(MANJARI NEHRU KAUL)
JUDGE**

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