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(216)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-15829-2024

Date of Decision: 27.08.2024

SOURABH @ SUNNY

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Sanjay Kumar, Advocate and
Mr. Harshit Singla, Advocate
for the petitioner.

Mr. Parveen Aggarwal, DAG, 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.168 dated 01.03.2023 registered under Sections 302, 201, 120B, 34 IPC at Police Station Surajkund, Faridabad.

2. The present FIR came to be registered at the instance of Sushil Kumar son of Late Bhagwati Prasad and the same reads as under:-

"I, the informant Sushil Kumar S/o Late Bhagwati Prasad R/o H.no. 194/A Type 2 Quarters, Pahar Ganj, New Delhi is involved in crockery business. I am highly experience in the business of Crockery and work in the name of Pinki Crockery. I mostly supply crockery in Surajkund during marriage functions. During marriage ceremony I keep laborers for cleaning crockeries. I had a booking on 26/27.02.2023 from fusion concept company therefor I had engaged around 30 laborer for my work. After end of the



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function at around 3 AM I left for my home in Delhi. Around 10 AM, I received a call from a person named Kishore who told me that a quarrel has taken place among the laborer between 6-6 ½ AM and out of them Vinod, Deepak Kumar, Bijender and Devender had given beatings to an unknown labor who had stolen Rs.6000 and a mobile of one of the laborer. I made a call to Deepak Jat who told me that had a quarrel with one in the morning and again he made a call to me and told me that he need money of his work he had done last night, which he need for the treatment of injured laborer who had been injured in fight with him. Then I made a call to Amar the employee/manager of the company to pay Rs.25000 to Deepak Jat and told Deepak Jat to take him to hospital for treatment. When I came to Hermitage I came to know that all the four person Vinod S/o Khobaru, Deepak Kumar S/o Yashwant Jat, Bijender Kumar S/o Mannu Pandey, Devender @ Kala had taken the injured person to hospital for treatment. Now today on 01.03.2023 I came to know that all these four persons Vinod, Deepak Jat, Bijender Kumar, Devender @ kala at the place of admitting the unknown labor in hospital has thrown in the bushes in front of Anandvan Stone crusher. That all the four person named Vinod S/o Khobaru, Deepak Kumar S/o Yashwant Jat, Bijender Kumar S/o Mannu Pandey, Devender @ kala.

That in the morning of 27.02.2023 at about 10:00 AM the informant Sushil Kumar received a call from one Kishore that a quarrel had taken place amongst the labour and out of them Vinod, Deepak Kumar, bijender and Devender had given beatings to an unknown labor. On enquiry informant Sushil Kumar came to know that said unknown labor had committed theft of Rs.6000/- and a mobile phone due to which quarrel took place. As a result of that quarrel one labor nicknamed Punjabi got seriously injured. Complainant asked Deepak and others to take said injured laborer for treatment. Thereafter, on 01.03.2023 he came to know that said Deepak and others instead of taking the laborer for treatment had



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thrown him into bushes of Anandvan crusher zone. He apprehended that Vinod, Deepak Kumar, Bijender and Devender had committed murder of unknown laborer by giving hard beating and to destroy the evidence threw the body in the bushes.”

3. During the course of the investigation, it transpired that petitioner-Sourabh @ Sunny had put the body of the unnamed labour in an iron box and had thrown the box in the bushes in front of Anandwan Crusher Zone.

4. The learned counsel for the petitioner contends that as per the investigation conducted so far, the petitioner is liable for having committed offence under Section 201 IPC only. He was not involved in the committing of the murder of the deceased. As the petitioner was in custody since 05.03.2023 but only 02 of the 30 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.

5. A reply dated 22.08.2024 by way of an affidavit of Monica, HPS, Assistant Commissioner of Police, NIT, Faridabad has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. While referring to the said reply, he has not disputed the factual position that the petitioner has been roped in for the offence under Section 201 IPC. He, however, concedes that the petitioner was in custody since 05.03.2023 but only 02 of the 30 prosecution witnesses had been examined so far.

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



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7. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. *Prima facie*, the petitioner seems to have committed the offence under Section 201 IPC. He is stated to be in custody since 05.03.2023 but only 02 of the 30 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, his further incarceration is not required.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Sourabh @ Sunny son of Jitender 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

27.08.2024

JITESH

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