



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

235

CRM-M-15380-2024  
Date of decision: May 16, 2024

AMANDEEP SINGH @ AMAN

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. J.S. Saneta, Advocate  
for the petitioner.

Ms. Deepshikha Chauhan, Assistant Advocate General, Haryana.

**MANJARI NEHRU KAUL, J. (ORAL)**

1. The instant petition is the second petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.595 dated 06.10.2022 under Sections 148, 149, 323, 452, 216, 302, 506 of the Indian Penal Code, 1860 and Sections 25/27/30 of the Arms Act, 1959, registered at Police Station Tehsil Camp, District Panipat.
2. Learned counsel for the petitioner has drawn the attention of this Court to the FIR in question, which has been annexed as Annexure P-1, and has submitted that a perusal of the same clearly reveals that the petitioner was not named therein, much less any role attributed to him in the occurrence in question; the name of the petitioner surfaced during investigation, wherein he was falsely accused of pelting stones at the complainant-party, as a result of which, they received some injuries. It has been asserted by the learned counsel for the petitioner that even as per the case of the prosecution, fatal injuries have been attributed to co-accused Praveen @ Baru and Sadhu and the injuries

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attributed to the petitioner are simple in nature. Learned counsel has also submitted that after the petitioner was arrested on 07.12.2022, the trial had been proceeding at a very slow pace and it was only recently that the complainant, who is the alleged eye-witness to the occurrence in question, was examined. Learned counsel submits that since the most material witness in the case in hand i.e. the complainant has been examined, there can be no apprehension of the petitioner intimidating or influencing the witness, hence, in the circumstances, he be enlarged on bail.

3. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, has not disputed the stage of trial; she, on instructions, has also not disputed that the most material witness in the case in hand i.e. the complainant (alleged eye-witness) already stands examined. It has also not been disputed that the petitioner has been attributed only simple injuries and not fatal injuries on the person of the deceased. However, learned State counsel, on instructions, has submitted that while deposing before the trial Court, the complainant had identified the petitioner as being one of the persons, who too had participated in the occurrence in question and pelted brick bats on the complainant-party.

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

5. *Prima facie*, it comes across that it was on account of some previous animosity between the parties that the occurrence in question took place, which led to the brother of the complainant being shot dead. Admittedly, the only role attributed to the petitioner is of having pelted stones at the



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complainant-party and the injuries sustained, as a result of the pelting of stones, were opined to be simple in nature. Since the sole material witness i.e. the complainant already stands examined, further incarceration of the petitioner would serve no useful purpose as 39 prosecution witnesses out of the 40 still remain to be examined.

7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to allow the instant petition and extend the concession of regular bail to the petitioner.

8. The petition as such is allowed, and the petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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.

9. Needless to add here, in case the petitioner is found misusing the concession of bail, the State would be at liberty to approach this Court to seek cancellation of bail to him.

**May 16, 2024**  
*Jaspreet Kaur*

**(MANJARI NEHRU KAUL)**  
**JUDGE**

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