



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

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CRM-M-17561-2024

Date of decision: 14.05.2024

Sumit @ Sumit Garg

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Deepak Kundu, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (second) petition is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.538 dated 27.11.2020 under Sections 302/392 of the IPC (Section 392 of the IPC deleted and Sections 394, 397 read with Section 34 of the IPC added lateron) registered at Police Station Purani Sabzi Mandi, District Rohtak.

2. Learned counsel for the petitioner has reiterated his submissions which were made on the last date of hearing that neither had he been named in the FIR in question nor was any suspicion raised qua his involvement in the murder of Sunita Rani, mother of the complainant, who was found lying dead in her own house with multiple stab wounds all over her body. Learned counsel submits that it was after 13 days of the alleged occurrence, the petitioner was nominated as



an accused in the crime in question by the complainant; the complainant in his supplementary statement stated that due to some business rivalry between the petitioner and the complainant, he suspected his hand in the murder of his mother. It has also been asserted by the learned counsel for the petitioner that there was no scientific evidence on record to connect the petitioner with murder in question much less any finger prints having been lifted from either the weapon of offence (knife) which was not even recovered from the petitioner but from the co-accused. Learned counsel for the petitioner has thus again asserted that in the aforementioned facts and circumstances, moreso since the case rested on circumstantial evidence, there was no cogent evidence to link the petitioner with the crime in question and thus, he deserved to be enlarged on bail as now he had been in custody since 11.12.2020 and till date the prosecution evidence had not even concluded.

3. On the last date of hearing, learned State counsel had sought time to verify as to what evidence had been collected against the petitioner and in particular, the State counsel had been directed to find out if there was any scientific evidence including any finger print report from the FSL.

4. Learned State counsel, on instructions from ASI Manoj, has submitted that indeed no scientific evidence is on record including absence of any finger print report. Learned State counsel, however, submits that after the occurrence in question, when the petitioner was arrested pursuant to his disclosure statement, recovery of a towel



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belonging to the complainant was effected from him along with Rs.20,000/- though admittedly it was effected almost 02 weeks of the occurrence in question. Learned State counsel on further instructions has not disputed the stage of trial and has submitted that the next date fixed before the learned Trial Court is 04.06.2024 when some of the remaining prosecution witnesses are likely to be examined.

5. On a pointed query put to the learned state counsel as to whether the petitioner is involved in any other criminal case, she, on instructions, has replied in the negative and has submitted that though there is no case lodged against the petitioner under the IPC, however, one case i.e. NACT 487/2018 stands registered against him.

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

7. The petitioner has been in custody since 11.12.2020; the FIR in question was registered against unknown persons and the complainant while lodging the same did not even by way of a whisper suspected the involvement of the petitioner in the crime in question even though he was well acquainted with him and as per the case of the prosecution there was some business dispute between the parties. It was 13 days later, a supplementary statement was made under Section 161 of the Cr.P.C. wherein the complainant for the first time raised suspicion qua the involvement of the petitioner in the crime in question. The sole material witness in the case in hand i.e. the complainant, who spelt out the alleged motive to commit the crime, already stands examined, however, 05 prosecution witnesses still remain to be

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examined. The trial is, therefore, unlikely to conclude in the near future. In the facts and circumstances as enumerated hereinabove, further incarceration of the petitioner would not serve any useful purpose. This Court, therefore, deems it fit to extend the concession of bail to the petitioner.

8. Accordingly, the instant petition is allowed. The petitioner 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.

14.05.2024

Vinay

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(MANJARI NEHRU KAUL)
JUDGE