



In The High Court for the States of Punjab and Haryana  
At Chandigarh

CRM-M-16359-2024 (O&M)  
Date of Decision:- 11.11.2024

Nihal Singh ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sukesh Kumar Jindal, Advocate, for the petitioner.

Mr. Neeraj Sheoran, DAG, Haryana,  
assisted by SI Manoj Kumar.

Mr. Gaurav Sharma, Advocate, for the complainant.

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| FIR NO. | DATE       | POLICE STATION             | OFFENCES                                                                                              |
|---------|------------|----------------------------|-------------------------------------------------------------------------------------------------------|
| 474     | 12.06.2022 | Samalkha, District Panipat | 148, 149, 302, 323, 506 IPC (charges framed under Sections 148, 302, 323, 201, 506 read with 149 IPC) |

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned FIR.
2. The FIR was lodged at the instance of Deepak wherein it is alleged that on 11.6.2022 when he along with his wife Menaka @ Monika, his brother Sachin and his uncle's son Vikas were present at their



home, then Sachin went out from house and he along with his wife and his uncle's son also followed him. It is alleged that shortly thereafter Sumit, his mother Bimla, his brother Amit accompanied by 2 other boys attacked complainant's brother with the help of 'sticks' and thereafter ran away from the spot after causing injuries. The complainant's brother sustained injuries on his head and although he was taken to hospital, but he ultimately succumbed to his injuries. It is further alleged that all the accused are their neighbours and that Amit had come out of jail a couple of months back.

3. Supplementary status report by way of affidavit of Mr. Narender Singh, Deputy Superintendent of Police, Samalkha, Panipat has been filed. The same is taken on record. A copy of the short reply has been furnished to learned counsel opposite.
4. Learned counsel for the petitioner submitted that he has falsely been nominated as an accused in the present case although his name does not figure anywhere in the FIR. It has further been submitted that although 3 persons are specifically named in the FIR, but upon investigation two of them were given a clean chit. Learned counsel further submits that the petitioner was later on nominated as an accused on the basis of secret information collected by the police whereas the facts clearly show that the police has tried to fabricate evidence against him. It has been submitted that while statement of Monika under Section 161 Cr.P.C. wherein she has named the



petitioner bears date 04.06.2022, recorded by Inspector CIA, Panipat, whereas the investigation was transferred to CIA only on 01.07.2022.

5. Learned counsel further submits that all the material PWs i.e. PW-1 Deepak (complainant), PW-2-Madan Lal and PW-3-Monika have already been examined and that PW-Monika in her cross-examination has specifically stated that she had not named the petitioner in her statement made to the police.
6. Learned counsel further submitted that the petitioner in any case has been behind bars since the last about 2 years and 4 months and under these circumstances particularly when material witnesses have been examined, his further detention will not serve any useful purpose. It has also been submitted that no specific role is attributed to the petitioner either in the FIR or in the statement recorded under Section 161 Cr.P.C.
7. Opposing the petition, learned State counsel assisted by learned counsel for the complainant has submitted that it is a case where as many as 13 injuries were found on the person of the deceased and that since the death of the deceased was an outcome of the said injuries which had been inflicted by all the accused, the complicity of the petitioner is clearly evident even if no specific injury is attributed to the petitioner as it is not possible for the witnesses to have given photographic details of the incident in question. Learned State counsel has pointed out that the petitioner stands involved in two



other cases. Learned counsel further informed that the petitioner as on date has been behind bars since the last about 2 years 4 months and 20 days.

8. This Court has considered rival submissions addressed before this Court.
9. While it is correct that the petitioner is not specifically named in the FIR, but the prosecution may still be able to establish its case on the basis of evidence collected during investigation and the evidence led before the Court. This Court however finds that as on date material PWs i.e. PW-1 Deepak (complainant), PW-2-Madan Lal and PW-3-Monika have already been examined. The petitioner has been behind bars since the last about 2 years 4 months and 20 days and as on date 17 PWs are yet to be examined. Under these circumstances, no useful purpose would be served by keeping the petitioner behind bars. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

11.11.2024  
mohan

( GURVINDER SINGH GILL)  
JUDGE

|                            |          |
|----------------------------|----------|
| Whether speaking /reasoned | Yes / No |
| Whether Reportable         | Yes / No |