



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.17864 of 2024
Date of Decision: 05.07.2024

Naresh ... Petitioner
Versus
State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Parvesh Jaglan, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

Mr. Karan Singh, Advocate,
for the complainant.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed under Section 439 of Cr.P.C. seeking regular bail in FIR mentioned below:-

FIR No.	Police Station	Sections
699	Bhiwani Sadar, District Bhiwani	120-B, 148, 149 and 302 of IPC (114, 341, 404 and 201 of IPC added later on)

2. Brief facts of the case relevant for the purpose of disposal of the present petition are that the aforementioned FIR registered on 02.11.2022 on the basis of complaint lodged by the complainant Pinki alleging therein that on evening of 31.10.2022, her husband was working in his fields when a quarrel had taken place between him and three persons namely, Rajesh, Ajay and Bijender. Those persons were having grudge with her husband. On 01.11.2022, her husband Surender had gone to his

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fields on a motorcycle and at about 11 AM, she received information about his death. She had rushed to the spot and found dead body of her husband lying in the fields of Attar. There were several marks of injuries on his person. On making inquiries, she came to know that the accused Manish, Bijender, Rajesh, Pradeep, Suresh, Ranbir, Renu and Sandeep had committed the murder of her husband and the present petitioner along with the co-accused Sh. Bhupendra, Prem and Bittu alias Binod had given information to the abovesaid co-accused about the factum of his leaving the house and about his location. After registration of case, investigation proceedings were initiated. The postmortem examination of the dead body of the victim and inquest proceedings were conducted. During investigation, the petitioner and co-accused were arrested. They suffered disclosure statements to the effect that the petitioner had also reached at the place of occurrence and he too along with the co-accused had inflicted injuries on the person of victim in connivance with them and by forming an unlawful assembly and further in prosecution of common object of that unlawful assembly. The investigation has since been completed and challan has been presented in the Court. The petitioner had filed an application for grant of bail which was dismissed by the Court of learned Additional Sessions Judge, Bhiwani on 25.01.2024.

3. The instant petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. The entire case of the prosecution is based on circumstantial evidence. Neither the complainant is an eye-witness to the occurrence nor any other eye-witness has been cited. He has been named in this case due to

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old rivalry with the family of the victim. The bald allegation against him is that he had provided information about the victim leaving his house on 01.11.2022. However, there is no basis for the same. He is in custody since 04.11.2022. The trial is likely to take time as many witnesses still remain to be examined. His further incarceration would not serve any useful purpose. He has been nominated as accused only on the basis of disclosure statements of co-accused which is not admissible in evidence. The co-accused Bijender whose case is on similar footing, has since been extended benefit of bail. On the ground of parity, the petitioner too deserves to be extended benefit of bail. A false recovery has been planted upon the petitioner. The blood detected on the danda allegedly recovered at the instance of the petitioner could not be traced to the blood of the victim. Therefore, it is argued that he deserves to be released on bail.

4. Status report has been filed. It is argued by learned State counsel assisted by learned counsel for the complainant that the allegations against the petitioner are equally serious as that of the co-accused. He was named in the FIR by the wife of the victim i.e. the complainant. She might not be eye-witness to the occurrence, however, some material witnesses are to be examined. The co-accused in their respective disclosure statements as well as the petitioner in the disclosure statement suffered by him have admitted about the participation of the petitioner in the commission of offence of murder of the victim. Recovery of the danda used at the time of occurrence has been effected from him. The trial is being expedited and there is nothing on record to show that there would be any undue delay in the same. Therefore, it is argued that the petition does not deserve to be

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allowed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record.

6. The petitioner along with the co-accused is alleged to have formed membership of an unlawful assembly and in prosecution of common object of that unlawful assembly is alleged to have committed murder of victim by causing injuries to him. The case is based upon circumstantial evidence. The petitioner is in custody since 04.11.2022. The petitioner has been implicated in this case on the basis of disclosure statements of the co-accused since the complainant was not an eye-witness to the occurrence nor any other eye-witness has been cited. On the ground of parity, taking into consideration the period of incarceration of the petitioner and in view of the discussion as made above but without meaning to make any comment on the merits of the case, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court.

05.07.2024
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(MANISHA BATRA)
JUDGE

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