

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-18400-2024 (O&M)

Date of Decision: 22.04.2024

Raja @ Kalu ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Namit Khurana, Advocate, for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.

FIR No.	Dated	Police Station	Section/s
397	25.07.2023	Jagadhri City, District Yamuna Nagar	148, 149, 323, 506 IPC (308, 302 IPC added later on)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of aforementioned FIR.
2. The FIR in question was lodged at the instance of Ajay, wherein it is alleged that on 24.07.2023, his brother Sandeep had come from Delhi, who went to meet his friend Ankush. At about 8.40 PM, when Ankush was coming to their house to drop complainant’s brother Sandeep and when they were passing through the street of Raju Contractor, then Akash, Imran, Karan, Deepak Saini, Prince, Sufiyan and other persons waylaid them and gave beatings to them. Upon hear noises, the complainant and his aunt Rekha reached at the spot and saw that the

- assailants were carrying iron rods and sticks in their hands and were beating complainant's brother mercilessly. When the complainant and his aunt Rekha raised alarm, the said assailants gave injuries to them as well. However, as a crowd gathered there, the accused fled away from the spot while issuing threat to kill them. Although the complainant's brother Sandeep was rushed to Civil Hospital, Jagadhri and from where he was referred to Civil Hospital, Yamuna Nagar and from there to PGI, Chandigarh, but he could not survive.
3. Learned counsel for the petitioner submits that he is nowhere named in the FIR and came to be nominated subsequently on the basis of a supplementary statement of the complainant and also pursuant to disclosure statement made by co-accused, which would hardly carry any evidentiary value. Learned counsel submits that it remains unexplained as to why the complainant did not disclose the name of the petitioner in the first instance although the petitioner is resident of the same area i.e. Ganga Nagar Colony, where the complainant also resides. Learned counsel further submits that the petitioner has been behind bars since the last more than 8 months and otherwise enjoys a clean record.
4. Opposing the petition, learned State counsel submitted that since the complainant has specifically named the petitioner in the supplementary statement and a large number of injuries were found on the person of the deceased, his complicity is clearly evident. Learned counsel has, however, not disputed the fact that the petitioner has a clean record and has been behind bars since the last more than 8 months. It has been

informed that the trial has not commenced till date inasmuch as charges are yet to be framed and as many as 21 PWs have been cited.

5. This Court has considered rival submissions.
6. The petitioner has been named on the basis of supplementary statement of the complainant and the disclosure statement made by co-accused. The petitioner enjoys a clean record and is not involved in any other case. The trial has not even commenced till date and a large number of PWs have been cited necessarily indicating that even if trial commences, its conclusion will take time. Under these circumstances, further detention of the petitioner will not serve any useful purpose. 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.

22.04.2024

Vimal

**(GURVINDER SINGH GILL)
JUDGE**

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