



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

109+236**CRM-M-21778-2024****Date of decision: 12.08.2024**

Neeraj

...Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANJARI NEHRU KAUL

Present: Mr.B.K.Bagri, Advocate, for the petitioner.

Mr.Gagandeep Singh Chhina, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)**CRM-27110-2024**

Application is allowed subject to all just exceptions.

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1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.335 dated 16.08.2023 under Sections 302/34, 411, 482, 483 of the IPC registered at Police Station Matlauda, District Panipat.
2. Learned counsel for the petitioner submits that in a case resting on circumstantial evidence, the petitioner has been in custody since 22.08.2023. While drawing the attention of this Court to the FIR which has been annexed as Annexure P-1, it has been submitted that no suspicion much less by way of a whisper was raised against the petitioner by the son of the deceased and rather it had been stated that his father had been murdered by some unknown assailants. It has been further submitted that



even otherwise the petitioner had no occasion to commit the murder of the deceased as no motive was spelt out during investigation against the petitioner to commit the crime in question. Learned counsel has further submitted that the petitioner was nominated as an accused on the basis of a disclosure statement made by co-accused-Ajay, who was allegedly present along with him when the deceased was done to death. Learned counsel submits that one witness of last seen i.e. Ranbir Singh, who had allegedly seen the deceased in the company of the petitioner and the co-accused had since expired and other than this there was no evidence which could link the petitioner with the alleged murder. It has, thus, been argued that in the aforementioned facts and circumstances, further incarceration of the petitioner would serve no useful purpose as 19 prosecution witnesses still remain to be examined; the complainant has already been examined and even in his Examination-in-Chief, he has not levelled any specific allegations against the petitioner of having committed the murder of his father.

3. Per contra, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, has not disputed the stage of trial and also that it is a case resting on circumstantial evidence. However, it has been argued by the learned State counsel that the deceased was employed as a Chowkidar of the place of occurrence; the petitioner along with the co-accused were consuming alcohol and when the deceased objected to the same, the petitioner and the co-accused invited him also to join them. While the deceased and the co-accused were consuming liquor,



some quarrel ensued leading to the petitioner and the co-accused inflicting fatal injuries upon the deceased. However, learned State counsel has not disputed that the name of the petitioner and the co-accused in the crime in question came to the fore in a statement made by Ranbir Singh under Section 161 of Cr.P.C. wherein he stated that he had seen the petitioner in the company of the deceased on the fateful night. It has also not been disputed that Ranbir Singh had since expired even before he could testify before the trial court. Learned State counsel has not disputed that the petitioner has clean antecedents and is not involved in any other case.

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

5. The FIR was registered against unknown assailants. The petitioner came to be nominated as an accused pursuant to the disclosure statement suffered by co-accused-Ranbir Singh under Section 161 of Cr.P.C., who has since expired even before he could testify before the trial court. Relevant part of the FIR reads as under:-

“Statement of Ranbir son of Kuraria, resident of Matlauda, District Panipat, aged 46 years, mobile No.9050644870 u/s 161 Cr.P.C. Stated that I am resident of above address we are three brother and sisters my one brother already expired. I have two children and my mobile number is 9050644870. I take a contract of fishing of pond near Gynan Panna of village Matlauda, in that I put the fishes and for watching the fish I hired Jaimal Singh son of Munshi Ram, resident of village Matlauda as watchman, who in the relation is my grandfather. Whom since many years hired as Chowkidar of Pond. On dated 15.08.23 night time about 9.30 p.m. on my phone number 9050644870 from phone number of Jaimal Singh, mobile No. 8398819687 that our village Ajay son



of Mahabir and Neeraj son of Kehari came on motorcycle and consuming Alcohol in the room/kotha near the pond. I asked them number of time to leave from here but they are not leaving. Then for the purpose of seeing the Chowkidar I went towards the pond and I asked both Ajay and Neeraj to go from there then they said we are going in a little while. On telling this I came back from there and stated to Chowkidar that you go from here to other side. Today in the morning I received information that the dead body Chowkidar Jaimal is lying in the Pond and on information I reached at the pond and regarding the incident I tried to contact from Ajay and Neeraj but they not reached till afternoon at home. There is chances that Ajay and Neeraj murdered Chowkidar Jaimal Singh but hit i.e. why they run away from home, regarding this incidence both we enquired. I record my statement which heard which is correct.”

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

6. Accordingly, the instant petition is allowed and the petitioner is extended the concession of 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.

7. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

August 12, 2024
poonam

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No