



CRM-M No. 22359 of 2024

1

IN THE HIGH COURT OF PUNJAB AND HARYANA, AT CHANDIGARH
233
CRM-M No. 22359 of 2024
Date of decision : May 9th, 2024

Akeel Khan

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present:- Mr. Mohammad Arshad, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG., Haryana.

Manjari Nehru Kaul, J (oral).

1. Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No. 314 dated 8.11.2023 under Sections 302, 419, 420, 201 and 120-B read with Section 34 of the IPC and Section 25 of Arms Act, 1959 registered at Police Station Rampura, District Rewari.

2. Learned counsel for the petitioner inter alia contends that the FIR in question which has been annexed as Annexure P-1 was registered against unknown persons by the son of the deceased. While drawing attention of this Court to the allegations levelled in the FIR he has submitted that the deceased was lying in a pool of blood under a flyover with stab injuries on his person. There was no suspicion raised qua the involvement of the petitioner in the crime in question nor was there any other evidence to connect the petitioner with the alleged murder.

3. During investigation prime accused Deepak, who had allegedly committed the murder of the deceased at the behest of co-accused Ram Jas



suffered a disclosure statement to the effect that he had procured a sim card from the petitioner which had then been used by him in his mobile phone to call the deceased to the place of occurrence and thereafter he had carried out the crime in question.

4. Learned counsel for the petitioner submits that not only is the disclosure statement on the basis of which he has been arraigned as an accused is of very weak nature but even otherwise in a case resting on circumstantial evidence, the motive which plays prominent role is clearly amiss qua the petitioner. He further submits that he has clean antecedents and the challan already stands presented. It has also been submitted that as many as 28 witnesses have been cited by the prosecution and hence the likelihood of the trial concluding in the near future is impossible, moreso when charges are likely to be framed only on the next date of hearing i.e. 22.05.2024.

5. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not disputed that the only motive to commit the crime in question lay with co-accused Ram Jas who got the deceased murdered through co-accused Deepak. She has however, submitted that the prime accused Deepak had been talking with the deceased from a simcard which had been procured through the petitioner.

6. On a pointed query put to the learned State counsel as to whether there was any other evidence collected against the petitioner with respect to the murder of the deceased, she had on instructions has replied in the negative. Learned State counsel has also not disputed on instructions that the investigation in the case in hand is complete and the petitioner is not involved in any other criminal case.



7. I have heard learned counsel for the parties and perused the material placed on record.
8. As conceded by the learned State counsel, investigation in the case in hand is complete and the motive to commit the crime in question has not been attributed to the petitioner. The trial would take considerable time to conclude as charges have not yet been framed and are likely to be framed only on 22.05.2024.
9. In the facts and circumstances as enumerated hereinabove, further incarceration of the petitioner would serve no useful purpose. This Court deems it fit to extend the concession of bail to the petitioner. The instant petition is allowed. The petitioner be admitted to bail 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.

(MANJARI NEHRU KAUL)
JUDGE

May 9th, 2024
archana

Whether speaking/reasoned	Yes
Whether Reportable	No