



CRM-M-23638-2024

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

CRM-M-23638-2024

Date of Decision: 27.09.2024

Devender Singh alias Kalu

..... Petitioner

Versus

The State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Lakhwinder Singh Lakhanpal, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached this Court by way of present petition praying for granting him regular bail in case FIR No.168 dated 01.03.2023, under Section 302/201/34 IPC (Section 120-B IPC added lateron), registered at Police Station Suraj Kund, District Faridabad.

2. As per facts of the case, on the statement of complainant, namely, Sushil Kumar son of late Bagwati Parsad a complaint was filed with the police, wherein, it was alleged that on 28.02.2023 at about 10.00 a.m., he received a call from one Kishore that a quarrel had taken place amongst the labourers and out of them Vinod, Deepak, Bijender Kumar and Devender @ Kala (petitioner) had given beatings to an unknown labourer. On enquiry, he came to know that said unknown labourer had committed theft of Rs.6000/- and a mobile phone due to which quarrel took place. He asked Deepak to take to said laborer for treatment. Thereafter, on 01.03.2023 he came to know that said Deepak Jat, Bajinder, Vinod and Devender @ Kala instead of taking that labourer for treatment had thrown him in the bushes of Anandvan Stone Crusher. He alleged that said Deepak Jat, Bajinder, Vinod and Devender @ Kala had committed murder of unknown labourer. On the basis



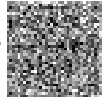
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of complaint, present FIR was registered and the investigation commenced. The petitioner was arrested on 14.5.2023 and his disclosure statement was recorded, wherein, he got demarcated the place where co-accused Vinod, Deepak Kumar and Bijender had murdered the deceased. During the investigation, the petitioner was found to be participated in commission of offence by putting the dead body in an iron box alongwith co-accused and thereafter all of them threw the said iron box in jungles. The petitioner approached the Court of learned Additional Sessions Judge, Faridabad praying for grant of regular bail, however, on hearing both the sides, learned Court declined the same vide order dated 03.05.2024. Hence, the petitioner is before this Court by way of filing the present petition praying for grant of regular bail.

3. It has been vehemently contended by counsel for the petitioner that petitioner has been falsely and frivolously implicated in this case. He submits that the only allegation made against the petitioner is that he put the body of the unknown labourer in an iron box and thrown the same in the bushes, thus, no offence under Section 302 IPC is made out against the petitioner. He submits that the petitioner has no criminal antecedent as he has never been involved in any other criminal case. He further submits that similarly situated co-accused, namely, Sourabh @ Sunny has already been granted bail by this Court vide order dated 27.08.2024, thus, the petitioner being at par with the said co-accused, deserves to be granted regular bail.

4. Learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that in all there are five accused, who all in connivance with each other had committed a heinous offence.



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However, he acknowledges that the co-accused, namely, Sourabh @ Sunny has been granted bail by this Court vide order dated 27.08.2024. On instructions, he submits that the petitioner is not involved in any other case. He submits that out of total 32 prosecution witnesses, none has been examined so far.

5. Heard.

6. After hearing counsel for the parties and perusing the record, it is apparent that the petitioner was arrested on 14.05.2024. As submitted by learned counsel for the petitioner, during investigation the petitioner was found to be participated in committing offence under Section 201 IPC. Out of total 32 prosecution witnesses, none has been examined so far. There is nothing to show that the petitioner is involved in any other criminal case. Similarly situated co-accused, namely Sourabh @ Sunny has already been granted bail by this Court vide order dated 27.08.2024.

7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

8. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said

herein shall be treated as an expression of opinion on the merits of the case.

27.09.2024

sharmila

(RAJESH BHARDWAJ)

JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No