



CRM-M-23389-2024

-1-

**234 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**CRM-M-23389-2024
Decided on : 15.05.2024

Kartik @ Neeraj @ Pati

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAULPresent : Mr. Raja Sharma, Advocate and
Mr. Kamal Sharma, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

Manjari Nehru Kaul, J.(Oral)

1. This is the petition filed by the petitioner seeking concession of regular bail in case FIR No.0884 dated 06.10.2022 under Section 148, 149, 302, 323 IPC and Section 25, 54 and 59 of the Arms Act registered at Police Station Chandni Bagh, District Panipat.

2. Learned counsel for the petitioner submits that the FIR in question was lodged at the instance of Himmat Singh, uncle of the deceased, who alleged that 4-5 persons inflicted blows upon the deceased including knife blows, which proved to be fatal for him. Besides this, injuries were also inflicted upon one of the witnesses namely Manish. Learned counsel for the petitioner further submits that the petitioner was not named in the FIR in question and a perusal of the FIR reveals that it was a case of sudden quarrel during a procession on the occasion of Dussehra festival. Learned counsel has



CRM-M-23389-2024

-2-

submitted that the petitioner, even as per the case of the prosecution, inflicted only stick blows upon the deceased and the injured witness Manish; the fatal injury had been inflicted upon the deceased with a knife and the same has been attributed to co-accused Nitish. Learned counsel still further submits that since the petitioner has now been in custody for more than 1½ years having been arrested on 10.10.2022 and the material witnesses including the complainant stand examined, his further incarceration would serve no useful purpose as 20 witnesses still remain to be examined.

3. On a pointed query put to the learned counsel for the petitioner as to whether the petitioner is involved in any other criminal case, he has replied in the negative.

4. Per contra learned State counsel while opposing the prayer and submissions made by the learned counsel opposite, on instructions, has not disputed that fatal injuries have been attributed to co-accused Nitish with a knife on the deceased, who is still in custody. It has also not been disputed that it was a case of sudden quarrel between the parties. However, learned State counsel, on instructions, has submitted that while testifying before the trial Court, the complainant had identified the petitioner as being one of those persons, who too had participated in the crime in question. Learned State counsel, on further instructions, has apprised the Court that the next date of hearing fixed before the trial Court is 24.05.2024 when some



CRM-M-23389-2024

-3-

more prosecution witnesses out of the remaining 20 are likely to be examined.

5. On a pointed query put to the learned State counsel, he has not controverted the submissions made by the counsel opposite that the petitioner has no criminal antecedents.

6. I have learned counsel for the parties and perused the relevant material on record.

7. *Prima facie* it does indeed appear to be a case of sudden quarrel, which took place between two groups of boys during the Dussehra festival. The petitioner, as also not disputed, has not been attributed any fatal injury, though he allegedly gave *danda* blows on the deceased as well as one of the witnesses namely Manish. The trial would take considerable time to conclude as only three prosecution witnesses, including the complainant, have been examined till date.

8. In the facts and circumstances as enumerated hereinabove coupled with the fact that the complainant, who is also an eyewitness to the alleged occurrence stands examined, further incarceration of the petitioner would serve no useful purpose as there can be now no apprehension of the petitioner intimidating or influencing the witnesses. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

9. However, it is made clear that anything observed



CRM-M-23389-2024

-4-

hereinabove shall not be construed to be an expression of opinion on the merits of the case.

15.05.2024
sonia

(MANJARI NEHRU KAUL)
JUDGE

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