



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

CRM-M No.24092 of 2024
Date of decision: 20th May, 2024

Rohit @ Monu @ KD

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ravinder Bangar, Advocate for the petitioner.

Ms. Deepshikha Chauhan, Astt. AG, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.196 dated 21.07.2022 under Sections 302, 34 of the IPC and Section 25 of the Arms Act, 1959 (Sections 120-B, 201 of IPC and Section 29 of Arms Act added later on) registered at Police Station Chhansa, District Faridabad.

2. Learned counsel for the petitioner inter alia contends that he was not named in the FIR in question, which was registered soon after the deceased had been murdered, at the instance of the complainant, who was the alleged eye-witness. Learned counsel has submitted that the petitioner came to be nominated as an accused in the supplementary statement made after a week of the crime in question on 28.07.2022, wherein it was alleged that the petitioner had firstly carried out a recce of the place of occurrence, and on the fateful day had



brought the accused to the place of occurrence, who had then assaulted the deceased to death. Learned counsel further submits that even as per the admitted case of the prosecution, no injury much less fatal had been attributed to the petitioner. It has been asserted by the learned counsel that the 7 days delay in making the supplementary statement on the basis of which the petitioner was then arrayed as an accused, clearly reveals his false implication in the present case; he has been made an accused only as being a conspirator to the crime in question. Learned counsel submits that since the complainant, who is the alleged eye-witness to the occurrence in question and is, thus, the sole material witness, already stands examined, there can be no apprehension of the petitioner intimidating/influencing the witnesses or even tampering with the evidence. It has also been submitted that as many as 37 prosecution witnesses still remain to be examined and possibility of the trial concluding in the near future looks bleak. Therefore, the petitioner be extended the concession of bail, as his further incarceration would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not been able to controvert the stage of the trial and also the most material witness i.e. the complainant/eyewitness having been examined. She has also not disputed the role attributed to the petitioner in the crime in question.



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

5. The petitioner has now been in custody since 28.07.2022 and there is no likelihood of the trial concluding in the near future as only 3 witnesses out of the 40 cited have been examined so far. In addition to this, the sole material witness i.e. the complainant already stands examined. In the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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 20, 2024
rps

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