



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

222

CRM-M-23916-2024

Date of decision: 30.09.2024

Jitender @ Mota

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Ravi Malik, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.257 dated 15.06.2022 under Sections 323, 307, 302, 506, 201 and 34 of the IPC registered at Police Station Gadpuri, District Palwal.

2. Learned counsel for the petitioner submits that the only role attributed to the in the occurrence in question is of having caught hold of the deceased along with co-accused Sagar (who has since been extended the concession of bail by a Coordinate Bench of this Court vide order dated 21.11.2023). Learned counsel submits that a perusal of the FIR, annexed as Annexure P-1, further reveals that he has not been attributed any injury, much less fatal, on the person of the deceased. A prayer has, therefore, been made that in view of the allegations levelled in the FIR in question and the factum of the petitioner having been in custody since 06.05.2024, further incarceration of the petitioner would serve no useful purpose as challan stands presented and none of



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the 39 prosecution witnesses have been examined so far.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions, has not disputed the factual aspect of the role attributed to the petitioner. He has, however, reiterated the allegations levelled in the FIR which stands reproduced hereinunder:-

“To, The Station House Officer, Police Station Gadpuri, Sir, it is requested that, I am Subhash son of Rajbir resident of village Prithla, Tehsil and District Palwal. That my nephew Akash son of Ashok works in PAY-TEM, a company that installs FAST TAG near Prithla Toll Tax and has set up his company's Booth at Prithla Toll Tax itself. That on 14.06.22 at around 12:30 PM, when I reached the booth of my nephew Akash to give him food, I saw that Jeetu son of Ramesh and Sagar son of Ramesh and Sagar's brother-in-law were beating him and when I objected they started threatening me as well. Sagar told Jeetu that as long as Akash is here, he will not let our work go on. As soon as he said this, Sagar and his brother-in-law caught a hold of Akash from behind and Jeetu with the knife in his hand, hit on Akash's stomach with the intention of killing him and they all ran away from there. Due to the injury, Akash lost consciousness & fell to the ground. I immediately called my maternal uncle's son Ajit who has his own work in Prithla. We both took Akash to the Government Hospital, Palwal and the doctors started treatment and looking at his serious condition, immediately referred to another hospital. I have been busy getting my nephew Akash treated. Due to this reason I could not give complaint on 14.06.2022 and my nephew Akash is still admitted in Sarvodaya Hospital Sector 8 Faridabad. Therefore, it is requested that strictest action should be taken against the above accused persons and justice should be provided to us.”

4. It has been contended by learned State counsel that the petitioner was named in the FIR in question; although he has not been attributed any injury on the person of the deceased, however, he was very much present along with the co-accused and had held the deceased



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by his arms when he was fatally injured by co-accused Jatinder @ Jeetu.

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

6. The petitioner has been in custody since 06.05.2024. As not disputed by learned State counsel the petitioner has not been attributed any injury on the person of the deceased. Co-accused Sagar has already been extended the concession of bail by a Coordinate Bench of this Court. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

7. 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. 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.

8. 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.

30.09.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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