



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

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1.

CRM-M-25580-2023

Date of decision: 13.05.2024

Anshul

.....Petitioner

Versus

State of Haryana

.....Respondent

2.

CRM-M-26120-2023

Date of decision: 13.05.2024

Parshant Chauhan

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Aman Pal, Advocate
for the petitioner in CRM-M-25580-2023.

Mr. Jarnail Singh Saneta, Advocate
for the petitioner in CRM-M-26120-2023.

Ms. Deepshikha Chauhan, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners are seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.12 dated 04.01.2022 under Sections 302, 392, 397 of the IPC and Section 25 of the Arms Act (Sections 396, 201, 216 of the IPC added lateron) registered at Police Station Samalkha, District Panipat.

2. Learned counsel for the petitioners submit that in the instant case which rests on circumstantial evidence, the petitioners have



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been in custody since 12.01.2022. It has been further submitted that the petitioners not being in any manner involved in the murder of Raj Kumar Mittal (father of the complainant) is evident from the fact that while stepping into the witness box the complainant had not supported the case of the prosecution as a result of which he was declared hostile. Learned counsel have submitted that in the circumstances, further incarceration of the petitioners would serve no useful purpose as not only both the material witnesses stand examined but other than them, 37 prosecution witnesses still remain to be examined.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions, has not disputed the submissions made by the counsel opposite that both the material witnesses stand examined. It has also not been disputed that it was after 04 days of the alleged crime, a supplementary statement was made by the complainant wherein he raised suspicion that co-accused Vansh could be involved in the murder of his father and subsequently when co-accused Vansh was arrested, he suffered a disclosure statement nominating both the petitioners as being his accomplices in the crime in question.

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

5. In the facts and circumstances as enumerated hereinabove, since the complainant, who is the most material witness in the instant case which rests on circumstantial evidence, stands examined and has

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not supported the case of the prosecution, further incarceration of the petitioners would serve no useful purpose as the trial would take considerable time to conclude. This Court, therefore, deems it fit to extend the concession of bail to the petitioners.

6. Accordingly, both the petitions are allowed. The petitioners be admitted to bail on their 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.

13.05.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No