



(221)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-25304-2024 (O & M)

Date of Decision: 07.08.2024

Shubham

... Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present: Mr. Sanjeev Majra, Advocate,  
for the petitioner(s).

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

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**JASJIT SINGH BEDI, J.**

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.56 dated 28.01.2023 registered under Sections 302, 323, 34 IPC and Sections 148, 149 and 201 IPC (added later on) at Police Station Jind City, District Jind.

2. The present FIR came to be registered at the instance of Ajmer son of Zile Singh who stated that on the date of the occurrence, he received information that his son Rohit alias Golu (deceased) had been stabbed by many boys and had been taken to Civil Hospital, Jind for treatment where the doctor had declared him dead. On receiving this information, he and his brother Jagbir, Dilbag and others went to the Civil Hospital, Jind and found the dead body of his son. The friends of his son namely, Mohit alias Perry son of Krishan and Nitin son of Menpal disclosed that on 28.01.2023, all three of them (Mohit alias Perry, Nitin and Rohit alias Golu-deceased) were



sitting at the mall having tea. One unknown boy and girl were sitting there. All the three laughed on some matter but the unknown boy assumed that he was being taunted by them (Mohit alias Perry, Nitin and Rohit alias Golu-deceased). Annoyed by this, the unknown boy called his 8/10 friends who came to the spot and started quarreling with them (Mohit alias Perry, Nitin and Rohit alias Golu-deceased). They (Mohit alias Perry, Nitin and Rohit alias Golu-deceased) had run away from the spot but Rohit alias Golu had been chased by one boy having a brick in his hand, another with a pipe in his hand and third with a knife in his hand. They all had caused injuries to Rohit alias Golu (deceased). After this, they (Mohit alias Perry and Nitin) had taken Rohit alias Golu to Government Hospital, Jind where he had been declared dead. On questioning, it was found that the boys who had committed the offence had come on motorcycles bearing Nos.HR-31E-8493 and HR-33C-7028 and 5570.

3. During the course of investigation, the names of all the accused persons came up. As per the prosecution case, Shubham alias Anda son of Raj Kumar armed with a knife, Sandeep son of Baljeet armed with a brick and Sagar @ Chhottu armed with a pipe had inflicted injuries on the deceased.

4. Sandeep was initially arrested and disclosed the names of Saurabh @ Naarika and Rahul. They were arrested and have since been released on bail vide a common order dated 15.12.2023 passed in CRM-M-44670-2023 and CRM-M-50163-2023 respectively.



5. During the course of investigation, on the arrest of Rahul, he disclosed the name of three assailants as Jasveer, Pankaj and Akhil (since granted bail vide a common order dated 09.05.2024 passed in CRM-M-65373-2023, CRM-M-207-2024, CRM-M-5664-2024 respectively). Similarly, Sagar @ Chhottu disclosed the name of Gurtej (since granted bail vide a common order dated 09.05.2024 passed in CRM-M-264-2024).

6. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. Even as per the case of the prosecution, no specific injury had been attributed to the petitioner. In fact, it was a case of sudden occurrence on the spur of the moment and only the actual assailants could be held to be liable and not the petitioner. Even otherwise, the postmortem would show that the fatal injuries were caused by a knife blow attributed to the Shubham alias Anda and the other injuries were merely abrasions/lacerated wounds also attributable to Sandeep and Sagar @ Chhottu. As the petitioner was in custody since 17.04.2023 and only 01 of the 44 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, the petitioner was entitled to the concession of bail, moreso, when six co-accused had been granted the similar relief.

7. The learned counsel for the State has filed a reply dated 26.07.2024 which is taken on record. While referring to the said reply, he contends that all the accused including the petitioner assaulted the deceased on a trivial issue and therefore, the nature of the allegations levelled against the petitioner did not entitle him to the grant of bail. He, however, concedes



that the injuries were specifically attributed to Shubham alias Anda, Sandeep and Sagar alias Chhottu, that the petitioner was in custody since 17.04.2023 and that only 01 of the 44 prosecution witnesses had been examined so far and that six co-accused had been granted bail.

8. I have heard the learned counsel for the parties.

9. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of Trial. Admittedly, the petitioner is in custody since 17.04.2023 and only 01 of the 44 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, his further incarceration is not required, mores, when six co-accused have already been granted the similar relief.

10. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner, namely, Shubham son of Jitender is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

11. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the Trial and inform in writing each time that they are not involved in any other crime other than the present case.

12. If the petitioner or his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this order.



13. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from Trial the without sufficient cause.

14. The petitions stand disposed of.

**(JASJIT SINGH BEDI)**  
**JUDGE**

**August 07, 2024**  
sukhpreet

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No