



213

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

CRM-M-25779-2024

Date of Decision: 11.11.2024

Sagar

...Petitioner

VS.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Shivam Joshi, Advocate
for the petitioner.

Mr. Rajinder Kumar Banku, Deputy Advocate General, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.460 dated 29.10.2023 registered under Sections 115, 120-B, 307, 323, 324, 328, 34, 458 of IPC, at Police Station Kaithal City, Kaithal.
2. The FIR in the present case was registered on the basis of the statement made by Narayan Das son of Sh. Devaram and the same has been reproduced below:-

2. The FIR in the present case was registered on the basis of the statement made by Narayan Das son of Sh. Devaram and the same has been reproduced below:-

“To, SHO Sahib Police Station City Kaithal Sir, It is requested that I am Narayan Das, son of Shri Devaram, resident of Nanak Puri Colony, Kaithal. I have two boys and two girls, my elder son is Khemchand, my younger son is Navneet, daughter Seema Rani and my daughter Geeta Rani. Except for my son Navneet, all the other children are married. My son Khemchand lives with his children in his own house in DAV Colony, Khurana Road, Kaithal, separate from me. My son Khemchand married to Puja, daughter of Ramaldas, resident of Nurwala Mohalla,



Panipat, for about 8/9 years. Yesterday, on 28-10-2023, at around 12-30 in the night, my nephew Tekchand, son of Premnath, resident of DAV Colony, Khurana Road, Kaithal, came to me. Who told me that some unknown boy had given many injuries to Khemchand's body, neck, head and face with a sharp weapon. With the help of the people in the neighborhood, I got him admitted to the government hospital, Kaithal. Then I came to know that Dr. Saheb had stripped my son Khemchand and referred him from Government Hospital Kaithal to PGI, Chandigarh. CCTV cameras are installed at the house of Gaurav son of Satish Kumar, resident of DAV Colony, Khurana Road, Kaithal, in the neighborhood of my son Khemchand. When I, my relatives and neighbors checked the CCTV camera footage taken at Gaurav's house, in the CCTV footage, on the night of 28-10-2023, my son's daughter-in-law Pooja opens the main door of her house and But after coming and calling, she places the phone on the corner of the main door and goes across the street towards Charan Das's house on other side and hides herself on the side of the street. After some time, a boy comes from the street on foot with a handkerchief tied over his mouth and stands at the door. The boy picked up the mobile phone kept by Pooja, entered the house, hit Khemchand, who was sleeping on the bed, with a sharp weapon and at around 23.43 hours came out of the house and went on foot. After leaving her son's house, Pooja came out of hiding and instead of going to her own house, she knocked on the doors of the neighborhood and then went to Prem Nath's house and started shouting loudly that someone had entered her house. When the people of the neighborhood reached Khemchand's house after hearing this, Khemchand was lying on the bed in his house in a serious condition, soaked in blood. Then I and my family is When the members of the organization asked Pooja twice, Pooja told that she has a friendship with Sagar son of Rajendra and Golu son of Fakira Odd Rajput resident of Kahanor district Rohtak and that



Pooja along with Sagar and Golu had planned to remove her husband Khemchand from the way. Made so that they can meet each other without fear. As part of the conspiracy, Pooja mixed sleeping pills in the food at the behest of Sagar and Golu. Sagar and Golu had come to Kaithal on a motorcycle and Pooja had deliberately kept her phone outside the gate so that Golu and Sagar could call and find out her house. Sagar, who was standing hidden on the side with the motorcycle, and Golu came to the street on foot, entered the house, attacked Khemchand's neck, head, and body with a sharp weapon, hatched a conspiracy, gave intoxicants, and killed my son Khemchand. Injured to commit murder. My soldier Khem Chand is undergoing treatment in PGI SEC 32, Chandigarh, and is unable to speak. Sagar's son Rajendra and Golu son Fakira residents of Kahanor district Rohtak and my wife Pooja have conspired and given fatal injuries to my son Khemchand with the intention of killing him. I request you to take legal action against Sagar, Golu and Pooja. SD Narayan Das Applicant.”

3. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case on the basis of the disclosure statement suffered by Pooja, main accused and except the said disclosure statement, there is no other evidence against him. Even as per the allegations levelled by the complainant, Golu, main accused had caused injuries to Khem Chand, injured. He further contends that no specific role has been attributed to the petitioner in the said crime. As per him, it has been falsely alleged that the tower location of the phone of the petitioner was in the area, where the alleged incident had taken place. In fact, such an evidence could never be relied to arrest the petitioner in such a heinous offence. The petitioner was arrested in the present case on

31.10.2023 and is the first offender. He further contends that only one witness, out of total 24 witnesses, has been examined so far and further custody of the petitioner will not serve any meaningful purpose.

4. On the other hand, learned State counsel has filed the reply on behalf of Deputy Superintendent of Police, HQ, Kaithal and the same is taken on record. Learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is the main conspirator and at his instance, sleeping pills were administered to Khem Chand by co-accused, Pooja and the petitioner had supplied the sleeping pills to Pooja, co-accused.

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

6. The petitioner is in custody since last more than one year and only one witness has been examined so far. The injured in the present case has already been discharged from the hospital and no purpose will be served by keeping the petitioner behind bars.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

(N.S.SHEKHAWAT)
JUDGE

11.11.2024.
hemlata

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