



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-26509-2024 (O&M)
Date of Decision:- 25.11.2024

NAVEEN ALIAS DHILLU

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Ashish Tewatia, Advocate for the petitioner.
Mr. Surender Singh, A.A.G. Haryana.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 CrPC for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
54	05.02.2022	302, 449 read with 34 IPC	Siwani, District Bhiwani

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that neither the petitioner is named in the FIR nor he is alleged to have caused any injury to any person. He further contends that the similarly situated co-accused Rajesh @ Ganesh, has already been granted the concession of bail by learned trial Court vide order dated 03.12.2022



(Annexure P-3). He submits that the petitioner is in custody since 09.02.2022 and has no other criminal antecedents. He further submits that the conclusion of trial will take sufficient long time, thus, prayed for grant of concession of bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the reply submitted by the State has assailed the arguments advanced by learned counsel for the petitioner by stating that though the petitioner was not named in the FIR, but his name surfaced in the disclosure statement of co-accused Rajesh @ Matu @ Kalu. He contends that there are specific allegations against the petitioner of having actively participated in the occurrence on the asking of co-accused Sachin @ Shankar by snapping the electric wires of the under-construction house of deceased Sunil, who was subsequently murdered by co-accused Sachin @ Shankar and Rajesh @ Matu @ Kalu. He prayed for dismissal of the petition by submitting that out of 33 witnesses cited by the prosecution, 23 have already been examined.

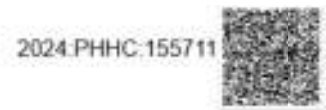
4. Heard learned counsel for the parties and perused the record.

5. After considering the rival contentions and perusing the record, it transpires that the instant case was registered on the statement of Devi Lal stating that his younger brother-Sunil used to sleep in the under-construction house nearby their old house and on 04.02.2022 at about 08:00 PM after having dinner, his brother had gone for sleeping there. On 05.02.2022, his cousin brother Ravinder along with Krishan had gone to the under-construction house and found Sunil lying on the bed in a pool of blood, who was shifted to the hospital, where he was declared brought dead. There were



injuries on head and face of the deceased with sharp-edged weapon and he was murdered by Sachin @ Shankar along with his friends as they had some altercation about 2 years back. Accordingly, the FIR was registered and subsequently, accused Rajesh @ Matu @ Kalu was arrested and during his disclosure statement, the name of the present petitioner surfaced to have conducted the recce and also assisted in snapping the electric supply of the under-construction house where Sunil was sleeping. Admittedly, the petitioner was arrested on 09.02.2022, and after the completion of investigation, challan was presented in the Court and the prosecution has cited 33 witnesses out of which 23 have been examined. It is not disputed that the petitioner is not having any criminal antecedents and he is neither named in the FIR nor is alleged to have caused any injury to the deceased. The allegations qua him is based on the disclosure statement of co-accused. The conclusion of trial to ascertain the criminal liability, if any, of the petitioner, will take sufficient long time and the petitioner being not involved in any other criminal case; alleged to have caused no injury to the deceased; not named in the FIR and is in custody since 09.02.2022, no purpose would be served by detaining the petitioner any longer.

6. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court;



and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

8. Pending miscellaneous application(s), if any, stand disposed of.

(SANJIV BERRY)
JUDGE

25.11.2024
S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No