



In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-34038-2024 (O&M)
Date of Decision:-23.10.2024

Narender ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Atul Lakhanpal, Senior Advocate with
Mr. Sidharth Chawla, Advocate for the petitioner.

Mr. Neeraj Sheoran, DAG, Haryana.

FIR No.	Dated	Police Station	Section/s
0405	3.11.2022	Uklana, District Hisar	302, 201 and 120-B of Indian Penal Code

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of the aforementioned FIR.
2. The FIR in question was lodged at the instance of Pardeep wherein it is alleged that on 3.11.2022, his brother had left for Village Faridpur in the morning. At about 12:00 noon, he received a call from Sunil, who informed the complainant that complainant’s brother was lying in injured condition in Village Faridpur near the house of Shamsher. Upon receipt of said information, the complainant and his father reached at the spot and found the



dead body of complainant's brother. Upon examining the same, it was noticed that the dead body was bearing injury marks and blood was oozing from the same. The complainant further stated therein that his brother Sanjay @ Kala had an affair with Anisha and wanted to marry her, but the same was not acceptable to the family of Anisha and that Shamsheer (father of Anisha) and Salim (brother of Anisha) had killed Sanjay @ Kala after hatching a conspiracy. It is further the case of prosecution that when Salim and Anisha were arrested, they suffered a disclosure statement to the effect that Narendra was also associated with them for the purpose of killing Sanjay.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on the basis of disclosure statement of co-accused Salim and Anisha, which would hardly carry any evidentiary value particularly when the petitioner is not named anywhere in the FIR. Learned counsel further submitted that falsity of the case would be evident from the fact that when the complainant Pardeep stepped into the witness box as PW-1, he categorically stated that he had never stated anything about Narendra to the police. Similar is the testimony of PW-4 Mahavir Singh, father of the complainant. PW-4 Mahavir Singh categorically stated that neither he nor his son Pardeep stated anything about the involvement of Narendra.
4. Opposing the petition, learned State counsel submitted that since the name of the petitioner has specifically been disclosed by co-accused, his involvement is very apparent. Learned State counsel informed that the petitioner as on date has been behind bars since the last about 1 year and 11 months and that the petitioner is not involved in any other case. It has been informed that as on date 4 PWs out of cited 22 PWs have been examined.



5. This Court has considered rival submissions addressed before this Court.
6. It is not in dispute that the petitioner is nowhere named in the FIR and came to be nominated on the basis of a disclosure statement. Neither the complainant Pardeep nor the complainant’s father (PW-4 Mahavir Singh) have stated a word against Narender when they stepped into the witness box and rather clarified that they had never got recorded anything against Narender to the police. The petitioner has been behind bars for a substantial period of about 1 year and 11 months. The petitioner is not stated to be involved in any other case. Conclusion of trial is likely to consume time inasmuch as only 4 PWs out of the cited 22 PWs have been examined so far. Under these circumstances, further detention of the petitioner will not serve any useful purpose.
7. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

23.10.2024
Geeta/P

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No