



CRM-M-33876-2024

1

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

(293)

CRM-M-33876-2024

Date of Decision : 29.10.2024

Riyasat

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Shiv Kumar Sharma, Advocate
for the petitioner.

Mr. R.K. Singla, DAG, Haryana..

Mr. Sajjan, Advocate for
Mr. Rajesh Goyal, Advocate for the complainant.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, filed under Section 439 of Cr.P.C., the petitioner prays for grant of regular bail in case FIR No.646 dated 20.10.2023 (Annexure P-1), under Sections 148, 149, 323 and 506 of the IPC, 1860 (Sections 302, 458 and 120-B of the IPC, 1860, added later on), registered at Police Station Old Industrial Panipat, District Panipat, Haryana.

2. The prosecution agency was set into motion, on receipt of a ruqa from General Hospital, Panipat, regarding admission of injured Nabi @ Naveen, son of Nasir, in a quarrel and he has been referred to the PGI, Rohtak, for further treatment. On receipt of ruqa, the concerned police official reached Guru Teg Bahadur, Hospital, Delhi, wherein, the complainant-Nasir, father of the deceased Nabi, got recorded his statement.



“To Station House Officer, Police station Old Industrial Panipat. Sir, It is requested that I, Nasir S/O Jan Mohammad R/O House No. 104, Shaheed Nagar Delhi now Purewal Colony, Panipat. My son Nabi was residing on rental basis in Batra Colony. On dated 15.10.2023, quarrel took place between Taj, Faisal, Talib, Aman, Bona friends of my son. When my son tried to save them. But all five persons threatened my son and ran away from the spot. Thereafter, they started keeping grudge against my son. On dated 17.10.2023, my son went to his rental house from our house. Then on dated 17/18.09.2023, at about 10:30 PM, all these five boys came to the room of my son, picked the bricks lying outside the room and gave beatings to my son. Subsequently, my son suffered injuries on his different body parts. Consequently, he became unconscious. In the morning, when I went to the room of my son, I saw my son in unconscious state. Thereafter, I have arranged a private auto and took him to Government Hospital, Panipat. There, doctor referred my son to PGI, Rohtak and my son is under treatment. Taj, Faishal, Talib, Aman, Bona has given beatings to my son and has given threats of killing to my son. Legal action may kindly be taken against all of them.”

3. Thereupon, on the basis of the above, initially FIR was registered under Sections 148, 149, 323 and 506 of the IPC, 1860. On dated 24.10.2023, information has been received from the complainant-Nasir, that injured-Nabi, has died during the treatment, and thereupon, the offence under Sections 302, 458 and 120-B of the IPC, 1860, was added. The post-mortem of the deceased was conducted, and the dead body was handed over to the legal heirs for cremation. Thereafter, on dated 27.10.2023, the complainant-Nasir, got his supplementary statement recorded under Section 161 of Cr.P.C., wherein, he raised the suspicion that all the above five named

**CRM-M-33876-2024****3**

persons in the FIR (supra), has caused injuries to the deceased at the instance of the present petitioner, therefore, the present petitioner was also arrayed as an accused, by the prosecution.

4. Learned senior counsel for the petitioner, on asking for the relief (supra), submits that the sole star witness/complainant, i.e. Nasir, the father of the deceased-Nabi, had stepped into the witness box as PW-1, and he did not support the case of the prosecution. Learned senior counsel for the petitioner has placed on record the certified copy of statement of the complainant dated 23.10.2024, today in the Court. The same is taken on the record as Annexure-A. He further submits that the petitioner has suffered incarceration of more than 01 year, as on today. In addition, he submits that there is no any other incriminating evidence against the present petitioner, which could connect him with the present crime.

5. While drawing the attention of this Court, towards the status report, in which it is stated that as per the CCTV footage, only five persons, who were named in the FIR (supra), were seen going towards the crime spot. The relevant extract of the status report, filed by the prosecution, is reads as under :-

“(iv) That on 27.10.2023, complainant Nasir was joined in the investigation of present case and his supplementary statement u/s 161 of Cr.P.C was recorded, wherein he got recorded that the accused persons named in the FIR had assaulted his son at the instance of accused Riyasat (petitioner) and committed murder of his son. Accordingly, Sections 302, 458 and 120-B of IPC were added in the present case as per the nature of crime. Thereafter, CCTV footage of cameras installed near crime spot was obtained along with certificate u/s 65-B of Indian Evidence Act and taken into police possession as



evidence through recovery memo. On perusal of the same it was found that accused (i) Talib S/o Yusuf, (ii) Mohammad Sehzaad alias Bona S/o Mohamed Ishaq, (iii) Faizal Ansari S/o Rafiq, (iv) Taz Mohammad S/o Mumtaz and (v) Aman had went towards the crime spot and left from there after the occurrence. True copy of supplementary statement of complainant is annexed herewith as Annexure R-3.”

6. Learned State counsel has opposed the grant of regular bail to the petitioner and submits that as per the case of the prosecution, it is the petitioner, who instigated all the other five persons, as named in the FIR (supra), and therefore, he is not entitled for the relief of regular bail. He further informs this Court, that in the instant FIR, final report was submitted on 20.01.2024, and the charges were framed on 08.05.2024, and the prosecution has cited total 22 witnesses, out of which, two have been examined, as on date.

7. Be that as it may, considering the facts and circumstances of the case, this Court is of the view that the instant petition is amenable to be **allowed**. Accordingly, the petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/trial Court/Duty Magistrate, concerned.

8. However, anything observed hereinabove shall have no effect on the merits of the case and is meant for deciding the present petition only.

(KULDEEP TIWARI)
JUDGE

October 29, 2024
Manpreet

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