

CRM-M-34664-2024 and two other connected matters
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2024:PHHC:140101



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-34664-2024
Date of Decision:24.10.2024

Sunil

.....Petitioner

Versus

State of Haryana

.....Respondent

2.

CRM-M-15883-2024

Nikku @ Tinku

.....Petitioner

Versus

State of Haryana

.....Respondent

3.

CRM-M-39716-2024

Sukhbir @ Shishan

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Ms. Neeru Bansal, Advocate for the petitioner
in CRM-M-34664-2024.



Mr. Pankaj Bali, Advocate for
Mr. Rahul Rathore, Advocate for the petitioner
in CRM-M-15883-2024.

Mr. Sudhir Rana, Advocate for the petitioner
in CRM-M-39716-2024.

Ms. Rajni Gupta, Addl. A.G. Haryana.

Mr. Yashwant Singh Rathore, Advocate for the complainant.

JASGURPREET SINGH PURI J.(Oral)

1. All the three petitions are taken up together for final disposal with the consent of learned counsel for the parties since all the three petitions arise out of the same FIR and the prayer in all the three cases is for the grant of regular bail.
2. CRM-M-34664-2024 and CRM-M-15883-2024 have been filed under Section 439 of the Code of Criminal Procedure and CRM-M-39716-2024 has been filed under Section 483 of BNSS 2023 for the grant of regular bail to the petitioners in FIR No. 158 dated 02.05.2021, under Sections 148, 149, 323, 325, 307, 302, 506 and 120-B of IPC, registered at Police Station Madhuban, Karnal, Haryana.
3. After arguing for some time, learned counsels appearing on behalf of petitioner namely Nikku @ Tinku in CRM-M-15883-2024 and Sukhbir @ Shishan in CRM-M-39716-2024 have prayed for withdrawal of their respective petitions.
4. Dismissed as withdrawn.



5. Learned counsel appearing on behalf of the petitioner namely Sunil in CRM-M-34664-2024 submitted that petitioner has been in custody for 03 years, 4 months and 16 days and the name of the petitioner was nominated on the basis of disclosure statement of co-accused. She submitted that as per the allegations which are contained in the FIR, 7 to 8 persons had come in a Scorpio car, encircled the complainant, namely, Narender, his brother, namely Prem and father, namely Singhu Ram and had started beating them. Resultantly, all the three injured were taken to the hospital and thereafter, one of the injured namely Narender died after about 20 days. She further submitted that in the FIR, some of the other co-accused were named but so far as the present petitioner is concerned, he was not named in the FIR. She also submitted that the petitioner was nominated on the basis of disclosure statement of a co-accused during the course of investigation and he has been falsely implicated in the present case. She submitted that although petitioner is involved in 06 more cases but considering the aforesaid facts and circumstances whereby he was not even named in the present FIR and he has already faced incarceration for 03 years, 04 months and 16 days, he may be considered for the grant of regular bail. She also submitted that there had been a delay in the trial because earlier an application under Section 319 Cr.P.C. was filed for summoning of the additional accused and now after framing of charges freshly on 03.08.2024, only 02 out of 38 cited witnesses have been examined.

6. Learned counsel for the petitioner also submitted that a similarly



situated co-accused, namely Shunti, who is at parity with the present petitioner, has already been extended the benefit of bail by this Court vide order dated 11.07.2024 passed in CRM-M-31619-2024 and as such the present petitioner who is exactly at parity with the aforesaid co-accused may be considered for the grant of regular bail.

7. On the other hand, Ms. Rajni Gupta, Addl. A.G., Haryana submitted that it is correct that the petitioner has been in custody for 3 years, 4 months and 16 days. It is also correct that the petitioner is at parity with the aforesaid accused namely Shunti because both of them were involved in some other cases but they were nominated in the present case on the basis of the disclosure statement of the co-accused..

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

9. The custody of the petitioner has come out to be 03 years, 04 months and 16 days. Although the petitioner is involved in six more cases but as of now only 02 out of 38 witnesses have been examined and the petitioner was not named in the FIR and was nominated on the basis of the disclosure statement of the co-accused, this Court is of the considered view that in light of the petitioner's period of custody and considering the parity of the petitioner with the aforesaid co-accused namely Shunti, the present petitioner deserves the benefit of regular bail. .

10. Consequently, the present petition is allowed. The petitioner namely Sunil in CRM-M-34664-2024 shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety bonds to the



satisfaction of the learned trial Court/Duty Magistrate concerned.

11. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition(s) only.

(JASGURPREET SINGH PURI)
JUDGE

24.10.2024
shweta

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