



215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34654-2024

Date of decision : 05.12.2024

Sandeep

.....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Gaurav Grover, Advocate and
Ms. Charu Sharma, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana with
SI Satish.

Mr. V.D. Sharma, Advocate
for the complainant.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed by the petitioner praying for grant of regular bail in case FIR No.56 dated 28.01.2023, under Sections 201, 302, 323, 34 of IPC, 1860 (later on added Sections 148, 149, 201 of IPC), registered at Police Station Jind City, District Jind.

2. Succinctly facts of the case are that the case has been registered on the statement of Ajmer son of Zile Singh. It was alleged that on 21.08.2023, he received information at about 01:00 PM that his son Rohit @ Golu was stabbed by knife by several boys. He was brought to the Civil Hospital, Jind where the doctor declared him dead. Near the dead body of his son, he found his friend Mohit @ Pairi who disclosed that on 28.01.2023 at about 12:00 Noon, they were sitting at CSR Mall, Rani Talab, Jind. In the meantime, there one unknown boy and girl were also sitting. On seeing them laughing, they were suspected to make some

comment on unknown boy and hence the dispute arose between them who



was sitting with the girl. Thereafter, his son namely, Rohit got hit with the brick on his back due to which he fell down. The other boy gave the knife blow to his son. Rohit's friend brought him to the Government Hospital, Jind where the doctor declared him dead. Request was made to take legal action against the culprits. On registration of the FIR, investigation commenced and during investigation, complicity of the petitioner was found in this case and he was arrested on 16.02.2023. Petitioner approached the Court of learned Additional Sessions Judge, Jind praying for the grant of regular bail. However, after hearing counsel for the parties and perusing the record, finding no merit in the same, it was declined by the learned Additional Sessions Judge vide her order dated 12.01.2024. Hence, being aggrieved, petitioner is before this Court by way of filing the present petition.

3. It has been contended by counsel for the petitioner that the petitioner has been falsely implicated in the present case. He submits that neither petitioner is named in the FIR nor any role has been attributed to him. It is submitted that petitioner was arrayed as an accused after due deliberations on the basis of some supplementary statement. It is submitted that the allegations made in the FIR are not even medically corroborated. He submits that in all there are 10 accused named, out of which, 07 accused have already been granted bail by this Court. He submits that though the stab blow alleged has not been attributed to the petitioner but to co-accused Shubham. He submits that petitioner is behind bars since the date of his arrest i.e. 16.02.2023 and he has no criminal antecedents. He submits that the material witnesses already stand examined and thus, in the facts and circumstances of the case, petitioner deserves to be granted bail.

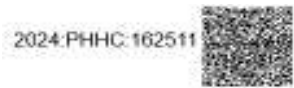


4. Learned counsel for the complainant, on the other hand, has opposed the submissions made by counsel for the petitioner. He submits that the complicity of the petitioner was established. During the investigation of this case, it was found that the petitioner had hit the deceased with a brick. He submits that the trial is in progress. He submits that the petition being devoid of any merits, deserves to be dismissed.

5. Learned State counsel has opposed the submissions made by counsel for the petitioner. He, on instructions from SI Satish, has submitted that during investigation, supplementary statement of the complainant was recorded wherein the petitioner was named. He further submits that the CCTV footage of the occurrence was collected and those all the accused were named in the present FIR. He submits that out of 44 prosecution witnesses, 10 witnesses have been examined so far. He has also produced the custody certificate of the petitioner on record. It has been submitted that in the facts and circumstances, the petition deserves to be dismissed.

6. After hearing counsel for the parties and perusing the record, it is apparent that petitioner is behind bars since 16.02.2023. Though in the FIR, he was not named however, on the basis of supplementary statement, he was named in the present case. As submitted before this Court, the ocular version has not been medically corroborated. The custody certificate placed on record would show that petitioner is behind bars from last 01 year, 09 months and 11 days and he is not involved in any other case. Seven of the co-accused are already on bail.

7. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both



the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

05.12.2024
m.sharma

(RAJESH BHARDWAJ)
JUDGE

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