



216

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

CRM-M-36821-2024**Date of Decision: 14.10.2024**

Shahrukh Khan

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Aditya Sanghi, Advocate, for the petitioner.
Ms. Sheenu Sura, DAG, Haryana.
Mr. Parveen Sharma, Advocate, for the complainant.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to him in case FIR No.850 dated 27.10.2023 registered under Sections 302, 34, 203, 120-B, 201 of IPC and Section 25 of Arms Act, at Police Station Civil Lines Sirsa, District Sirsa.

2. Learned counsel for the petitioner contends that initially one DDR No.22 dated 26.10.2023 was registered on the basis of the statement made by Monika wife of Jaiveer, since deceased. As per her, her marriage was solemnized with Jaiveer about 18 years ago. On 25.10.2023 at about 10.30 p.m. her husband Jaiveer was sitting in the house of Sunny and Sunny made a phone call to her that Jaiveer had vomited blood. She informed her father Mahender and after arranging the conveyance, Jaiveer was shifted to Govt. Hospital, Sirsa for treatment. However, the doctor declared Jaiveer dead. Her husband-Jaiveer was a patient of hypertension and had a heart problem also. She further stated that the death had taken place due to high blood pressure and vomiting of blood



and no one was at fault in the said incident. After recording of the DDR, the post-mortem was conducted on the dead body of Jaiveer and as per post-mortem report (Annexure R-1), a punctured lacerated wound was found on the right side of anterior aspect of neck. Thereafter, the investigation was conducted and the present FIR was registered under Section 302 IPC and Section 25 of the Arms Act.

3. Learned counsel for the petitioner further contends that as per the prosecution, it was found during investigation that Monika was having illicit relations with Azad, co-accused and both had conspired to kill Jaiveer. Learned counsel further contends that the name of the petitioner surfaced during the course of investigation, when the disclosure statement of Azad was recorded by the police and Azad had only stated that the petitioner travelled with him from Panipat to Sirsa and both had stayed in a room of hotel before commission of the crime. Learned counsel further contends that even as per the admitted case of the prosecution, the petitioner was not present at the place of occurrence and Azad had fired a shot at Jaiveer and Jaiveer finally succumbed to the said injury. Even the weapon of offence was recovered at the instance of Azad and there is no allegation that the petitioner had knowledge with regard to the commission of crime. Learned counsel further contends that the petitioner was arrested in the present case on 05.11.2023 and after completion of the investigation, challan has already been presented against him. As per him, the prosecution has relied upon 20 witnesses, however, no witness has been examined so far. He further contends that the case of the petitioner is clearly



distinguishable from the case of Monika and Azad, who had actively participated in the commission of crime.

4. On the other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner had also accompanied Azad, main accused and he had knowledge with regard to the commission of crime. Learned counsel further contend that even the petitioner belongs to Panipat and he had travelled from Panipat to Sirsa to help the main accused-Azad and he does not deserve the concession of bail by this Court.

5. I have heard the learned counsel for the parties and perused the record.

6. In the present case, even though, it has been alleged by the prosecution that the petitioner had travelled from Panipat to Sirsa with Azad, co-accused, but there is no allegation that the petitioner was present at the place of occurrence. Whether the petitioner had conspired with the co-accused or not, is a subject matter of trial and the parties are yet to lead evidence before the trial Court in this regard.

7. At this stage, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

(N.S.SHEKHAWAT)
JUDGE

14.10.2024.
hemlata

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