



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

CRM-M No.38729 of 2023
Date of decision: 16th May, 2024

Kapil

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Aarti Sharma, Advocate for the petitioner.
Ms. Deepshikha Chauhan, AAG, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.0884 dated 06.10.2022 under Section 148, 149, 302, 323 IPC and Section 25, 54 and 59 of the Arms Act registered at Police Station Chandni Bagh, District Panipat.

2. Learned counsel for the petitioner has reiterated the submissions made on the last date of hearing that he has been falsely implicated in the case in hand on the basis of a disclosure statement allegedly suffered by co-accused Nitish, who allegedly assaulted the deceased and his friend Manish with knives and sticks on 05.10.2022 at about 7:30 p.m. She submits that the petitioner has now been in custody since 14.10.2022 and there is no likelihood of the trial concluding in the near future as 18 prosecution witnesses still remain to be examined.



3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not been able to dispute the stage of the trial. On further instructions it has also not been disputed that it is a case of sudden quarrel wherein the petitioner has not been attributed fatal injuries but had only assaulted the deceased and others during the Dussehra procession.

4. On a pointed query put to the learned State counsel, she has not controverted the submissions made by the counsel opposite that the petitioner has no criminal antecedents.

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

6. *Prima facie* it does indeed appear to be a case of sudden quarrel, which took place between two groups of boys during the Dussehra festival. The petitioner, as also not disputed, has not been attributed any fatal injury, though he allegedly gave *Danda* blows on the deceased as well as one of the witnesses namely Manish. The trial would take considerable time to conclude as only five prosecution witnesses, including the complainant, have been examined till date and 18 witnesses still remain to be examined.

7. In the facts and circumstances as enumerated hereinabove, coupled with the fact that the complainant, who is also an eyewitness to the alleged occurrence, stands examined, further incarceration of the

petitioner would serve no useful purpose as there can be now no apprehension of the petitioner intimidating or influencing the witnesses. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

May 16, 2024
rps

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