



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

CRM-M No.43514 of 2024
Date of decision: 6th November, 2024

Rajnish Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Amit Gupta, Advocate for the petitioner.

Mr. Parveen Bhadu, Asst. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 483 of BNSS in case FIR No.471 dated 21.09.2018 under Sections 148, 149, 307, 323, 325, 506 of the IPC (Section 302 IPC added later on) registered at Police Station Model Town Rewari, District Rewari.

2. Learned counsel for the petitioner submits that the occurrence in question took place way back on 21.09.2018, when deceased Prajwal was allegedly assaulted to death by co-accused on account of some previous animosity between them. In support, learned counsel has drawn the attention of this Court to the FIR in question, which has been annexed as Annexure P-1. It has been further argued that the complainant, who also sustained injuries in the alleged occurrence, did not name the petitioner as being one of the assailants; even while stepping into the witness box no role was attributed to the petitioner

neither did the complainant testify with respect to the presence of the petitioner at the scene of crime on the fateful day. Learned counsel has submitted that strangely without any incriminating evidence on record with respect to the participation of the petitioner in the crime in question, the petitioner was arrested on 07.5.2024, only on the basis of one CCTV footage wherein he was allegedly visible along with the co-accused. It has also been submitted that as many as 10 prosecution witnesses including the complainant, who is also a stamped witness, stand examined; hence, further incarceration of the petitioner in the aforementioned facts and circumstances would serve no useful purpose, as the trial is unlikely to conclude in the near future. It has also been contended by the learned counsel for the petitioner that the co-accused, who were named in the FIR in question, and who allegedly inflicted the injuries upon the deceased and the complainant, had since been extended the concession of bail by this Court. In support, learned counsel has drawn the attention of this Court not only to the deposition of the complainant, which has been annexed as Annexure P-3, but also to the orders extending the concession of bail to the co-accused, which have been annexed as Annexures P-4 to P-6.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not disputed that the case at hand rests on eye-witness account; the petitioner was neither named in the FIR in question, nor did any of the witnesses including the stamped witness/complainant Pankaj, while stepping into the witness box before the trial Court, attributed any role to the petitioner in the alleged crime. However, it has been submitted by the learned State counsel that the presence of the petitioner was clearly visible along with the co-accused, who inflicted fatal injuries on the deceased. He has submitted that once the petitioner was visible along

with the co-accused, it was discernible that he was a part of the unlawful assembly which brutally attacked the deceased. Learned State counsel, on further instructions, has not disputed the custody period of the petitioner and also the stage of trial.

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

5. Given the aforementioned facts and circumstances, more so when all the material witnesses already stand examined before the Court, and as also not disputed by the learned State counsel, no specific role or injury has been attributed to the petitioner, other than his presence being shown along with the co-accused at the time of the alleged occurrence, this Court deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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

November 6, 2024
rps

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