



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-44594-2024
Date of decision: 04.12.2024

SUMER KHAN

....Petitioner

V/s

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Dr.Anmol Rattan Sidhu, Senior Advocate with'
Mr. Harlove Singh Rajput, Advocate, for the petitioner.

Mr.Rahul Mohan, Sr.DAG, Haryana.

Mr. Saleem Ahmed, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023 in case FIR No.225 dated 22/05/2023 under Sections 148, 149, 323, 285, 307, 506, 212 of the IPC and Section 25 of the Arms Act, registered at Police Station Sadar Tauru, District Nuh.

2. On the last date of hearing, the following order was passed:

“Learned senior counsel submits that the petitioner has been in custody since 09.04.2024. The investigation in the present case is complete and even charges stand framed. Learned senior counsel has drawn the attention of this Court to Annexure P-3 which is an enquiry report headed by Mr. Kuldeep Singh, I.P.S. Additional Superintendent of Police, Nuh, wherein it has been explicitly noticed by the enquiry officer that the involvement of the petitioner in the crime in question was not found and the



occurrence in question has taken place on account of village politics.

Learned State counsel, on instructions, has not disputed the contents of the enquiry report and submissions made by the counsel opposite, however, he submits that the FSL report with respect to the weapon of offence allegedly used by the petitioner is still awaited and till such time, he would not be in a position to make a categorical averment qua the involvement or otherwise of the petitioner in the crime in question. Learned State counsel prays for short adjournment to file an affidavit along with the FSL report, if received, before the next date of hearing. The State shall also make an earnest effort to get the FSL report positively before the next date of hearing. ”

3. Subsequent to the passing of the afore-reproduced order, status report dated 27.11.2024 by way of affidavit of Sh.Vivek Chaudhary, HPS Deputy Superintendent of Police, State Crime Branch, Gurugram has been filed by learned State counsel on behalf of respondent-State. The same is taken on record subject to all just exceptions.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel opposite, on instructions, has not been able to dispute in view of the report received from the FSL that the weapon of offence allegedly recovered from the petitioner pursuant to his own disclosure statement and which was sent to the FSL Madhuban along with the empty cartridges which were found at the place of occurrence had not matched. However, learned State counsel assisted by Mr. Saleem Ahmed, Advocate for the complainant, have reiterated the allegations levelled in the FIR in question that the petitioner had actively participated



in the crime in question and had fired from the weapon of offence which was recovered pursuant to his own disclosure statement.

4. Learned senior counsel has vehemently reiterated that the case of the prosecution is, therefore, totally at variance with the FSL report which has been received qua the case properties (weapon of offence and the empties recovered from the place of occurrence) and points to his false implication in the present case. It has been further submitted by the learned Senior counsel that it is for reasons but obvious i.e. the local village politics that an exaggerated version had been brought forth while lodging the FIR in question.

5. On a pointed query put to the learned State counsel, he, on instructions has not disputed that the petitioner has been in custody since 9th of April 2024 and not only the investigation is complete in the present case but even charges have been framed.

6. I have heard learned counsel for the parties and perused the material placed on record.

7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

8. Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. 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.

9. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

December 04, 2024
poonam

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