



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

247

CRM-M-46703-2024

Date of decision: 24.10.2024

Jitender

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Anil Kumar Malik, Advocate
for the petitioner.

Mr. Yuvraj Shandilya, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.230 dated 23.04.2023 under Sections 302, 34 of the IPC registered at Police Station Old Industrial, District Panipat.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 30.04.2023 and there is no likelihood of the trial concluding in the near future as 23 prosecution witnesses still remain to be examined. While drawing the attention of this Court to the allegations levelled in the FIR which has been reproduced in the body of the petition, it has been contended by learned counsel that a perusal of the same reveals that the petitioner was not named therein and furthermore, co-accused Sunny, who had a history of strained relations with the deceased, inflicted a knife blow on his chest.

Learned counsel submits that the petitioner's name surfaced during



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investigation and that too in a disclosure statement allegedly suffered by co-accused Sunny, who stated that the petitioner was accompanying him at the time of the alleged occurrence. Learned counsel has asserted that even assuming for the sake of arguments, though not conceded, that the petitioner was indeed accompanying co-accused Sunny at the time of the occurrence in question, no specific role or injury, much less fatal, has been attributed to him. A prayer has, therefore, been made in the aforementioned facts and circumstances to extend the concession of bail to the petitioner as the possibility of the trial concluding in the near future is remote.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions, has not disputed the custody period of the petitioner as well as the stage of trial. It has also not been disputed that the deceased had received a single knife injury which has been attributed to co-accused Sunny with a knife. However, learned State counsel has submitted on instructions that the petitioner was one of the three persons, who was accompanying co-accused Sunny at the time of the occurrence in question and had along with his accomplices held the deceased while co-accused Sunny inflicted the fatal injury on his chest. Learned State counsel has further submitted that although the petitioner was not named in the FIR, however, the petitioner was clearly identified during test identification parade by the complainant, who witnessed the occurrence in question.

4. On a pointed query, learned State counsel, on instructions, has submitted that the petitioner does not have any previous criminal



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antecedents.

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

6. Before proceeding further, it would be relevant to reproduce the contents of the FIR, which read as under:-

“It is stated that I Ant Ram S/o Ram kishan R/o village Badhona Distt. Farukabad (UP) & is presently residing in Purewal colony He has three son. Yesterday, On 22.04.2023 at the about 7:45 pm his son Monu aged 19 years had an altercation with Sunny. His son Monu and his friend Sachin were coming back at their home after purchasing the vegetables at about 9 pm. When they reached near the shirt factory sunny and his 3 companions caught hold to them. Sunny gave a knife blow in the chest of Monu and he immediately fell on the ground. Sachin told to me then I and my family reached on the spot we shifted our son to the hospital then doctor declared dead. Action must be taken against sunny and his companions. Applicant RTI Ant ram 7206935914 dated 23.04.2023.”

7. The petitioner has been in custody for more than one and a half years having been arrested on 30.04.2023. The trial will take considerable time to conclude since only 01 prosecution witness out of the 24 cited, has been examined. In addition, and as not disputed by the learned State counsel, the petitioner has not been attributed any injury on the person of the deceased and is not involved in any other criminal case. 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. 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

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to be an expression of opinion on the merits of the case.

9. 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.

24.10.2024

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No