



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

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CRM-M-51478-2024

Date of decision: 12.12.2024

SUKHPREET SINGH ALIAS SUKHBIR

...Petitioner

V/s

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Deepak Chaudhary, Advocate, for the petitioner.

Mr.Rahul Mohan, Sr.DAG, 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.191 dated 25.06.2023 under Sections 120-B, 147, 148, 149, 302, 341, 201 of the IPC and Section 25 of the Arms Act, registered at Police Station City Ratia, District Fatehabad.
2. Learned counsel for the petitioner submits that a perusal of the allegations levelled in the FIR, reveals that although some of the co-accused had been named by the complainant (alleged eye-witness to the murder of deceased Ravi Kumar), however, neither was the petitioner named therein nor any specific injury much less fatal attributed to him. It has been further submitted that even as per the case of the prosecution only a single injury with a knife was sustained by the deceased and which



proved to be fatal from him; said injury has been attributed to co-accused Sandeep. Learned counsel submits that the petitioner came to be nominated later in the occurrence in question on the basis of a disclosure statement allegedly suffered by co-accused who claimed that the petitioner was present along with other accused at the time of the alleged occurrence and had inflicted fist blows upon the deceased. Learned counsel has asserted that even though the petitioner was not present along with co-accused at the time of the alleged occurrence, however, even assuming for the sake of arguments though not conceded, the petitioner was unarmed and no injury much less simple had been attributed to him which *prima facie* also finds corroboration from the post mortem report of the deceased. Learned counsel has lastly contended that the petitioner has no previous criminal antecedents and has now been in custody for almost one and a half years having been arrested on 27.07.2023; challan stands presented and charges stand framed. Hence, his further incarceration in the given circumstances would serve no useful purpose.

It has also been brought to the notice of this Court that identically placed co-accused Anmol alias Molla has been extended the concession of bail by this Court vide order dated 12.06.2024 passed in CRR-1186-2024. Hence, the petitioner also deserves to be extended similar relief.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not disputed the custody period of the petitioner nor the stage of trial been disputed by him.



Learned State counsel has also not been able to dispute that in the occurrence in question, the deceased suffered a single injury which proved to be fatal for him. It has also not been disputed by the learned State counsel, on instructions, that as per the allegations, the only role attributed to the petitioner is of having physically assaulted the deceased and furthermore the deceased was not alleged to be armed with any lethal weapon. Learned State counsel, on being pointedly asked, on instructions, has also not disputed that the petitioner has no previous criminal antecedents.

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

5. The instant case is based on eye witness account of a friend of the deceased; the petitioner was not named in the FIR in question even though some of the other co-accused including the prime accused, who inflicted the fatal injury were specifically named. The petitioner, who is a child in conflict, has now been in custody since 27.07.2023. The trial would take considerable time to conclude as none of the 32 prosecution witnesses have been examined till date. Hence, in the circumstances, further incarceration of the petitioner would serve no useful purpose.

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

6. 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



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anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

December 12, 2024

poonam

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