



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

215 (PROCEEDINGS THROUGH HYBRID MODE)

CRA-S-3408-2024 (O&M)
Date of decision: November 14th, 2024

Naveen
.....Appellant

Versus

State of Haryana and another
.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. B.S. Beniwal, Advocate
for the appellant.

Mr. Gagandeep Singh Chhina, Assistant Advocate General,
Haryana.

Mr. Sunil Saharan, Advocate
for the complainant (through V.C.).

MANJARI NEHRU KAUL, J. (ORAL)

The appellant is impugning the order dated 14.08.2023 passed by learned Additional Sessions Judge, Hisar, whereby his application under Section 439 Cr.P.C. for grant of regular bail in case FIR No.275 dated 25.06.2023 under Sections 147, 148, 149, 302, 307, 452, 384, 506, 120-B (Sections 216 and 384 added later on) of the Indian Penal Code, 1860, Section 25 of the Arms Act and Section 3(2) (V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act, 1989, registered at Police Station Agroha, District Hisar, has been dismissed.

2. Power of attorney on behalf of the complainant has been filed in Court, which is taken on record.

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3. At the outset, learned counsel for the appellant has drawn the attention of this Court to the allegations levelled in the FIR, which has been annexed as Annexure A-1. It has been argued by the learned counsel that as per allegations levelled on 29.05.2023, no doubt the appellant along with Krishan had gone to the house of the complainant and asked him to come to the house of Balwant, who had some quarrel with Raj Kumar son of the complainant on account of some previous grudge. However, when the actual occurrence took place on 24.06.2023 in the house of the complainant, the appellant, even as per the allegations levelled, was not present anywhere in the vicinity of the alleged occurrence. Learned counsel submits that in the circumstances, it is evident that without there being any cogent evidence on record, the appellant has been falsely implicated in the present case.

4. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not disputed that the appellant was not alleged to be present when the occurrence in question leading to the murder of Jai Prakash took place. It has also not been disputed by the learned State counsel, on instructions, that the appellant was not alleged to be anywhere near the place of occurrence when the deceased was done to death. Learned State counsel, however, has submitted that there had been some previous dispute between the parties and hence, the appellant had been challaned as being one of the conspirators to the crime.

5. On a pointed query put to the learned State counsel as to the stage of the trial, he has submitted that investigation in the present



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case is complete and challan stands presented, however, charges are likely to be framed on the next date fixed before the trial Court i.e. 28.11.2024.

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

7. Before proceeding further, it would be apposite to reproduce the allegations levelled in the FIR in question, which are as under:-

*“To, The SHO Sahib, Police Station Agroha, Sir, it is requested that I Satpal son of Norang Ram is resident of village Nangthala and belongs to Dhanak Caste which has been declared as Scheduled Caste by the Government of Haryana. I have two sons, elder son if Rajkumar and Jai Parkash (JP) is the youngest one who is 27 years of age. My elder brother Raj Kumar was posted as Sarpanch in the last tenure. During that period, Balwant son of Surja caste Jat and his son Ashwani resident of Nangthala has quarreled with us on account of election. They have threatened us to face consequences. Keeping this grudge, on 29.05.2023, **Naveen** s/o Chanderbhan caste Khati and Krishan son of Surender caste Jat who both are residents of Dhandur came at our home in Swift Car bearing No. CH-01-BP-0484 who asked that Suresh Odd son of Ramdas Dhandhur has asked one Rs.1 Lacs. Balwant s/o Surjaram and Ashwani and Suresh also are waiting for you in the house of Balwant. My son Jai Parkash refused to go there. Balwant and Ashwani while keeping the grudge of election and hatching plan, yesterday on 24.06.2023 at about 11:15 PM entered in our house with Suresh Odd son of Ramdas resident of Dhandhur and his one companion namely Vinod and unknown village where my son Jai Parkash (JP) was lying on the Cot in*

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the room and the light of room was switched on. Suresh Odd went towards Jai Parkash and raised voice and fired a shot on the chest of Jai Parkash (JP) with his pistol. On hearing noise, I came down then I saw that one boy was holding the neck of my daughter-in-law Kiran and pointed gun on her neck. I saw my son Jai Parkash running outside then Suresh raised Lalkara other boy that Vinod do not let him run and shoot him from behind then Vinod shoot my son Jai Parkash from behind and after sustaining gunshot Jai Parkash ran behind where my son Raj Kumar and my nephew Amar son of Ram Kumar, Bittu and Vijay were sitting and the shot were also fired upon them. On hearing the noise of the gunshot started running towards Jai Parkash then Suresh Odd and Vinod also fired upon them. I raised loud noise and shouted then the window of the Ritz Car parked out there was opened and the light inside was on. The outer and inside light of my house was also on. Suresh and Vinod and three other persons fled away from the spot after committing the occurnece then my son Rajkumar and nephew Amar son of Ram Kumar, Bittu son of Vijay brought my injured son Jai Parkash (JP) in the Scorpio vehicle to Agroha Medical College for treatment, where doctor sahib declared Jai Parkash dead. My son Jai Parkash (JP) has been killed by Balwant son of Surjaram caste Jat and his son Ashwani under the conspiracy. Strict legal action should be taken against them.”

8. The appellant has been nominated as an accused in the present case only for being part of the conspiracy to the crime in question and as not disputed even by the learned State counsel, he was not present when the alleged murder took place.



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9. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the appellant. Accordingly, the instant appeal is allowed and the appellant 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.

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

November 14th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No