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

CRM-M-15679-2024**Date of Decision: 15.01.2025**

Ritesh Kumar

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Krishan Singh, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.579 dated 13.10.2023 registered under Sections 302, 34 of IPC, at Police Station Ambala City, District Ambala.

2. Learned counsel for the petitioner contends that as per the case of the prosecution, Jatinder was stabbed by Suraj @ Sauput, co-accused. However, the petitioner was not initially named in the FIR in the present case and there is no averment in the FIR, which even connects him with the commission of crime in any manner. Learned counsel further contends that Suraj @ Sauput, co-accused was arrested by the police on 14.10.2023 and his disclosure statement was allegedly recorded on 15.10.2023, in which he had simply named the petitioner and no specific attribution was there. Learned counsel further contends that on 16.10.2023, again the second disclosure



statement of Suraj @ Sauput was recorded, wherein he wrongly alleged that the petitioner had caught hold of Jatinder, deceased while, Suraj @ Sauput gave a blow with knife on the neck of Jatinder, deceased. He further contends that such a statement made by Suraj @ Sauput in police custody is a weak evidence and the police could not collect any other evidence against him to connect him in any manner. Learned counsel further contends that the petitioner was arrested in the present case on 19.10.2023 and is in custody since then. The complainant of the present case has already been examined and there are no chances of tampering with the witnesses of the prosecution.

3. On the other hand, learned State counsel assisted by learned counsel for the petitioner have vehemently opposed the submissions made by the petitioner on the ground that the petitioner had actively participated in the commission of crime and specific role has been assigned to him. Thus, the petition may be ordered to be dismissed.

4. I have heard the learned counsel for the parties and perused the record carefully.

5. In the present case, as per the case set up by the prosecution, Suraj @ Sauput, principal accused had caused a blow with knife on the neck of Jatinder Singh, since deceased and Jatinder Singh had succumbed to the injury suffered by him. It is also the admitted case of the prosecution that Jatinder Singh had suffered only a single injury in the present case, which is attributed to Suraj @ Sauput, co-accused. The petitioner was simply stated to be present at the place of occurrence and had allegedly caught hold of the deceased in the occurrence. Thus, the involvement of the petitioner is yet to be adjudicated by



the trial Court only during the course of trial. Moreover, the petitioner is in custody for the last more than 01 year and 02 months and is the first offender.

6. Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

15.01.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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