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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M No.23334-2024 (O&M)
Date of Decision: 16.01.2025

Charanjeet @ Charna

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. G.S.Sandhu, Advocate for the petitioner.

Mr. Ashok Singh Chaudhry, Addl.A.G, Haryana.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for seeking bail pending trial in FIR No.64 dated 28.02.2022, registered under Sections 302, 323, 427, 451, 458, 148 read with Section 149 of Indian Penal Code, 1860 (for short, 'IPC'), at Police Station Sector 13-17, District Panipat.

2. Brief allegations, noticed by learned Additional Sessions Judge/Judge, Childrens' Court, Panipat in para No.2 of the impugned order dated 11.03.2024 are as under:

“According to the complaint of the complainant Ronak son of Dalip Singh, resident of village Mohana, Police Station, Mohana, District Sonapat, he is working in the office of Flipkart at Sector 13-17, Panipat and now he is living with his family at Azad Nagar, Panipat since last fifteen years. On 27.08.2022 at night time, he got a call from his brother-in-law Mukesh son of Rajbir Singh, resident of village Ahar that his father Rajbir Singh son of Risal Singh was badly beaten in Devi



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Lal Park and he got a call from his father, who asked him to reach at Devi Lal Park. On which, he and his brother-in-law Krishna son of Jai Kishan, resident of Pangala, Police Station, Tehsil Assandh, District Karnal, who, at present lives in Shiv Nagar, reached Devi Lal Park in the night itself, where, his father-in-law Rajbir Singh was lying smeared with blood, who has severe injuries on his head and forehead. Ramesh son of Raja Ram was also sustained minor injuries. After arranging the Ambulance, they were going to Civil Hospital with injured, then, his father Rajbir Singh has informed by giving signal towards his injuries that Ramesh has caused the injuries to his father-in-law Rajbir. Later on, he was admitted in the Prem Hospital, Panipat where his father-in-law was died. Ramesh has committed the murder of his father-in-law. Legal action may kindly be taken against the accused. On this complaint, formal FIR no. 64 dated 28.02.2022 under Sections 148, 149, 323, 427, 451, 458, 302 IPC was got lodged with Police Station, Sector 13-17, Panipat. ”

3. Contends that petitioner was arrested in the present case on 29.03.2022 and after remaining in custody for about 02 years and 08 months, he was granted interim bail by this Court on 04.12.2024. Further contends that in pursuance of the aforesaid order, he is regularly appearing before learned Children Court and there has been no progress of trial. Again contends that main prosecution witness Wasim Khan is not supporting the charge against petitioner and there is no allegation that he is likely to misuse the concession and/or hamper the proceedings in any manner, in case released on bail.

4. *Per contra*, learned State Counsel, on instructions from quarter concerned, has fairly acknowledged the above factual position and submits that petitioner is regularly appearing before learned Children Court. He also acknowledged that petitioner has not misused the concession of interim bail in any manner.

5. Heard learned counsel for both the sides and perused the paper book.



6. This Court granted interim bail to the petitioner on 04.12.2024 and order reads as under:-

“While making reference to the testimony dated 21.03.2024 (P-21) of PW14 Wasim Khan, contends that there is not even a whisper regarding the role of petitioner; nor the said witness has stated that petitioner was present at the time of occurrence or that he had participated in the alleged crime.

Faced with the situation, learned State counsel seeks time to have instructions.

Posted for 16.01.2025.

In the meanwhile, petitioner be released on interim bail in the present case, till the next date of hearing, on furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.”

7. Learned State counsel has duly acknowledged that petitioner is regularly appearing before learned Children Court and there is no allegation that in case, interim bail is made absolute, he is likely to misuse the concession and/or hamper the proceedings in any manner. Only five prosecution witnesses have been examined till today; thus, trial is likely to take sufficient long time. In such a scenario, sending the petitioner to custody at this stage would not serve any purpose.

8. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 04.12.2024, is made absolute. He shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned Children Court/Chief Judicial Magistrate/Duty Court concerned.

9. Petitioner shall appear on each & every date of hearing and to fully co-operate with learned Children Court without seeking any unnecessary adjournment(s).

10. The above observations be not construed as an expression of opinion on the merits of the case.

11. It is clarified that in case there is any misuse of concession by

the petitioner, State would be at liberty to move an appropriate application



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for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

16.01.2025
Rajeev (rvs)

(MAHABIR SINGH SINDHU)
JUDGE

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