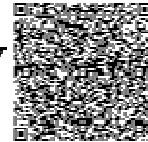


2025:PHHC:043887



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

CRM-M-31276-2024 (O&M)

Reserved on : 25.03.2025

Pronounced on : 02.04.2025

Kuldeep

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Ankur Lal, Advocate
for the petitioner.

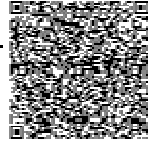
Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J.

1. The instant one is the second petition that has been filed by the petitioner under Section 439 of Cr.P.C. for grant of regular bail in case bearing FIR No. 82 dated 17.03.2023, registered under Sections 302 and 34 of IPC at Police Station Dharuheri, District Rewari. The first petition, bearing **CRM-M-63262-2023**, was dismissed as withdrawn on 04.04.2024.

2. Brief facts of the case relevant for the disposal of the present petition are that the aforementioned was registered on the basis of a written complaint lodged by complainant Manoj Kumar on 17.03.2023 alleging therein that on the previous evening, he had come to know about the death of Maharaj Shri Balvir Nath, Mahant of the temple of village Dhakya and had intimated the police. He had thereafter made inquiries at his level and had come to know that accused Dheeraj, Hari Om, Jasbir and petitioner Kuldeep had been quarrelling with the deceased after consuming liquor in the temple premises and due to injuries sustained at their hands, the victim had died. Investigation proceedings

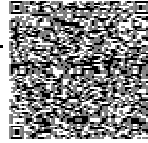
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were initiated. The post-mortem examination of the dead body of the victim and inquest proceedings were conducted. The petitioner and co-accused Hari Om were arrested on 17.03.2023. The petitioner suffered disclosure statement admitting his involvement in the murder of the victim after consuming liquor along with the victim. He disclosed that on asking of the victim, he had gone to a liquor vend to get beer and on reaching back, he was informed by co-accused Jasbir that the victim had slapped him. Thereafter, the petitioner and co-accused Hari Om had an altercation with the victim. They had pushed him on the ground. Co-accused Hari Om sat on his chest. He himself had broken a bottle of beer and inflicted blows with the same on the chest of the victim, due to impact of which, the victim had lost his consciousness. Some more injuries were also inflicted on his person by them. The petitioner also got recovered the broken beer bottle at his instance. Two of the persons named by the complainant were found to be innocent. The investigation stands completed and the petitioner along with co-accused is facing trial for murder of the victim.

3. It has been argued by learned counsel for the petitioner that the petitioner has been falsely implicated in this case on the basis of the statement allegedly recorded by complainant Manoj Kumar. The complainant has appeared as PW-1 before the learned trial Court. The testimony of the complainant clearly establishes that he did not witness the occurrence. His information was hearsay in nature. He has not named any person, who had seen the petitioner quarrelling with the victim and committing his murder. The case is based on circumstantial evidence and there is no circumstance to connect him with the subject crime. The trial will take considerable time. His further incarceration, which is already prolonged one, would not serve any useful

2025:PHHC:043887



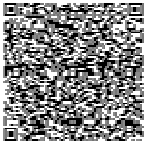
purpose. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Haryana has argued that there are serious allegations against the petitioner. He was named by the complainant. The circumstances point out his involvement in the subject crime. It is, thus, argued that the petition is liable to be dismissed.

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

6. The petitioner along with co-accused Hari Om is alleged to have entered into an altercation with the victim on the fateful night and is further alleged to have committed his murder by causing injuries to him with a broken bottle of beer. As per the allegations, the victim had consumed liquor along with co-accused on the night of the incident. The complainant had named the petitioner as one of the assailants. He has been examined before the learned trial Court as PW-1. Copy of his sworn deposition has been placed on record as Annexure P-2 and a perusal of the same reveals that though in his examination-in-chief, he deposed that he had come to know that the petitioner and co-accused Hari Om along with two more persons namely Dheeraj and Jasbir, (who have been found to be innocent) had killed the victim but during his cross-examination, he is shown to have stated that he had not witnessed the occurrence and the contents of his complaint were based on hearsay evidence. He is also shown to have stated that no eye-witness had met him or disclosed that the petitioner along with co-accused Hari Om was involved in any brawl with the deceased under the influence of liquor. He also did not disclose the source of information qua involvement of the petitioner. Further, PW-4 Jasmel Kaur,

2025:PHHC:043887



sister of the deceased, is shown to have stated that she could not tell the names of the assailant of her brother and had never disclosed the same to the police. She was admittedly not a eye-witness to the occurrence and stated that she could not state as to whether the victim had died due to falling and having sustained head injuries or not. Keeping in view the nature of evidence which has come on record in the form of testimonies of PW-1/complainant and PW-2, coupled with the fact that the petitioner in custody for over a period of two years and his incarceration would be prolonged further as the trial is likely to take time and also in view of the attendant facts and circumstances of the case, I am of the considered opinion that no useful purpose would be served by keeping him in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

02.04.2025

Museem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No