



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

CRM-M-32463-2024

Reserved on : 15.01.2025
Pronounced on : 18.01.2025

Sahil VermaPetitioner

versus

State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. S.K. Garg Narwana, Senior Advocate assisted by
Mr. Vishal Garg Narwana, Mr. Vazir Mor,
Mr. Rahul Gupta and Mr. Mukul Ahuja, Advocates
for the petitioner.

Mr. Abhinash Jain, D.A.G., Haryana.

NAMIT KUMAR, J.

1. The petitioner has filed the present petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.03 dated 03.01.2022 registered under Sections 302, 307 & 34 of IPC at Police Station Krishana Gate, Thanesar, Kurukshetra.

2. The abovesaid FIR was registered on the statement made by complainant-Jaspal Singh stating that on 03.01.2022, he along with his brother-in-law Harbhajan Singh @ Goara and his cousin Sukhchain Singh had come to Army Canteen, Pipli. At about 4.00 to 5.00 PM, when they reached Atam Bakery on the Railway Road, they found a white coloured car parked in front of the said bakery, in which a young person was sitting on the front seat adjoining the driver seat. When the complainant asked the said person to park his vehicle on the side of the road, the said person started abusing the complainant and tried to throw

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his turban. In the meanwhile, the accomplice of the said person came out of the bakery and threatened the complainant party to teach a lesson for asking them to park their vehicle on the side. One of the accused persons took out a knife from his trouser and hit the same in the waist of the complainant, due to which he started bleeding. The person sitting in the car also came out and slapped the complainant. Thereafter, the other person gave a knife blow on the neck and chest of Harbhajan Singh, due to which he also started bleeding. The said person carrying the knife also suffered some injury on his head in the aforesaid incident. Thereafter, the injured were taken to Nagpal Hospital, where they were given first aid and referred to Chandigarh for treatment. However, when the condition of Harbhajan Singh started deteriorating, he was taken to Government Hospital, Kurukshetra instead of Chandigarh, where he was declared dead by the concerned doctor. It has been alleged that the accused, who was initially sitting in the vehicle, was named Sahil s/o Pawan Goyal whereas his accomplice, who had come out of the bakery and gave knife blows, was named as Sahil son of Jai Pal (the petitioner).

3. Learned Senior counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in the present case. There was no motive attributed to the petitioner to commit the alleged offence as neither the petitioner was known to the complainant nor to the deceased-Harbhajan Singh as there was no premeditated designs of any of the persons. It was just a sudden fight which took place on the heat of the moment. Even otherwise, the complainant/eye-witness/injured-Jaspal Singh, who appeared before the

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Trial Court as PW-8 has not supported the case of the prosecution. In his statement before the Trial Court PW-8 Jaspal Singh submitted that they were outsiders and the people assembled at the spot were the local ones, who started abusing them. On their intervention, Harbhajan deceased took out a knife from his pocket and started wielding in the air. Then a quarrel took place between them and unknown people gathered there. Someone from the crowd snatched and stabbed Harbhajan and him. The accused present in the Court never threatened and stabbed him and Harbhajan. Similarly, another eye-witness Sukhchain Singh, who appeared before the Trial Court as PW-9, has also not supported the case of the prosecution.

4. He has further submitted that the petitioner is a young boy of the age of 21 years and is a student who did his B.A. 2nd year and final year in the year 2023 and 2024, respectively, while in custody. Moreover, co-accused Sahil Goyal has already been granted regular bail by this Court vide order dated 13.09.2022 passed in CRM-M-33935-2022 titled as 'Sahil Goyal Vs. State of Haryana'. The petitioner is not involved in any other case. He is in custody since 04.01.2022. No recovery is to be effected from the petitioner. The trial is likely to take long time and no useful purpose will be served by further detaining the petitioner in custody during trial. Therefore, the petitioner may be granted concession of regular bail.

5. Per contra, learned State counsel, while placing on record custody certificate has opposed the prayer for grant of regular bail to the petitioner. He has submitted that out of total 26 prosecution witnesses,



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08 have been given up and remaining have been examined except 01 and trial may not take time to conclude. However, he could not dispute that the petitioner is in custody for the last more than 03 years and he is not involved in any other case.

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

7. Keeping in view the facts that the eye-witnesses Jaspal Singh (PW-8) and Sukhchain Singh (PW-9) have not supported the case of the prosecution; custody of the petitioner, which is more than 03 years; co-accused namely Sahil Goyal has been enlarged on regular bail; no recovery is to be effected from him, petitioner is not involved in any other case and conclusion of trial is likely to take considerable time, however, without commenting upon the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail during trial on his furnishing of bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Trial Court.

8. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

18.01.2025

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(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No