



CRM-M-37045-2024

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

CRM-M-37045-2024

Date of Decision: 09.01.2025

Naresh @ Nesha

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Ram Pal Verma, Advocate for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached this Court by way of present petition praying for granting him regular bail in case FIR No.69 dated 10.03.2024 under Sections 302, 120-B, 411, 420, 483, 34 IPC and Sections 25 & 27(3) of Arms Act, registered at Police Station Murthal, District Sonipat.

2. Succinctly, facts of the case are that the FIR was registered on the statement of the complainant, namely, Sunil Kumar. It was alleged in the FIR that aunt of the complainant, namely, Patasho Devi has two daughters and one son, namely, Sunder 37 years old, who was a liquor contractor. On 10.03.2024, at about 10:00 a.m., he got a call from his uncle Sandeep that Sunder had been shot dead at Gulshan Dhaba, Murthal. On receiving the information, he reached the said place and found Sunder lying dead drenched in blood at Gulshan Dhaba. It was alleged that the complainant had conversation with Sunder about four days ago, who told him that K. Shyama, Ajay etc. had attacked him and he had a threat to his life from them. It was suspected that Ajay and K. Shyama had hatched a conspiracy and got him murdered. Request was made to take legal action against the culprits. On registration of the FIR, the investigation commenced. During the investigation, name of the petitioner was also surfaced in the commission of offence and he was also arrayed as an accused in the FIR. He was arrested



on 27.03.2024. The petitioner approached the Court of learned Additional Sessions Judge, Sonapat praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 08.07.2024. Hence, the petitioner approached this Court praying for grant of bail.

3. It has been vehemently contended by counsel for the petitioner that petitioner has been falsely and frivolously implicated in this case. He has submitted that neither the petitioner is named in the FIR nor there is any overt act attributed to him. He submits that during the investigation, he has been roped in the present case only being father of co-accused Ajay. He submits that no substantial evidence has been collected by the Investigating Agency while filing the challan under Section 173 Cr.P.C. justifying the complicity of the petitioner. He submits that even otherwise son of the petitioner Ajay has been eliminated by the Delhi Police in encounter. He submits that the petitioner has no criminal antecedents and thus, in the overall facts and circumstances of the present case, the petitioner deserves to be granted bail.

4. Learned State counsel has opposed the submissions made by counsel for the petitioner. He has produced the custody certificate of the petitioner. He submits that the petitioner in conspiracy with his son has committed murder of deceased Sunder. However, he also endorse the fact that Ajay i.e. the son of the petitioner has already been eliminated by Delhi Police in an encounter. It is submitted that the investigation is complete and report under Section 173 Cr.P.C. is filed before the trial Court and the case is fixed for framing of charges. He further submits that in all there are total 12



accused, out of which 03 accused are already eliminated and 09 accused are behind the bars.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner was not named in the FIR, however, he was arrayed as an accused during the investigation. Son of the petitioner Ajay, who has been named in the FIR, has already been eliminated in an encounter. Investigation already stands completed. The custody certificate would reflect that the petitioner is behind bars from the last more than nine months and he is not involved in any other case.

6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

8. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

09.01.2025
sharmila

Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No