

2025:PHHC:078798



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

CRM-M-44748-2024 (O&M)

Date of decision: 03.07.2025

Harjinder Singh @ Harman

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Navjot Singh, Advocate, for the petitioner.

Mr. Rajat Gautam, Addl. A.G., Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-24815-2025

Application is allowed, as prayed for.

Annexures P-7 to P-9 are taken on record subject to all just exceptions.

CRM-M-44748-2024

1. Prayer in this petition filed under Section 483 of BNSS, 2023, is for grant of regular bail to the petitioner in case FIR No.0007, dated 06.01.2024, under Sections 302, 34 IPC and Sections 202, 216, 323, 148, 149 IPC added lateron (charges framed under Sections 202, 216, 302, 323, 34 IPC), registered at Police Station Chandni Bagh, District Panipat.
2. Learned counsel for the petitioner submits that the petitioner was arrested on 08.01.2024 for allegedly participating in the murder of Arif (hereinafter referred to as the deceased). It has been submitted that as per

the case of the prosecution, there was a CCTV footage which had captured the crime in question, however, even as per the CCTV footage retrieved by the Investigating Agency following the registration of the FIR in question, although the petitioner was indeed seen present at the place of occurrence on the fateful day, however, other than his presence being reflected, he was not seen participating in the actual assault upon the deceased. It has been further contended that even as per the reply filed by the State, dated 20.03.2025, which contains the statements of the prosecution witnesses made under Section 164 Cr.P.C., no direct or specific role or injury much less fatal on the person of the deceased has been attributed to the petitioner. Learned counsel has also submitted that a false and fabricated case having been foisted upon the accused finds further credence from the fact that all the 03 material witnesses/eyewitnesses, while stepping into the witness-box, had not supported the case of the prosecution, as a result of which, they had all been declared hostile. Learned counsel has, therefore, submitted that in the facts and circumstances as enumerated hereinabove, further incarceration of the petitioner would serve no useful purpose as 33 prosecution witnesses still remain to be examined and, therefore, the possibility of the trial concluding in the near future does not arise.

3. On a pointed query as to whether the petitioner has any previous criminal antecedents, learned counsel has categorically replied in the negative.

4. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, on instructions, has not

disputed the custody period of the petitioner nor has he, on instructions, disputed the stage of trial. On further instructions, learned State counsel has also not disputed that out of the 04 material witnesses, 03 have been examined and declared hostile. However, he submits that one more eyewitness, PW-Pintu, is likely to be examined on the next date of hearing. It has been contended by the learned State counsel that although PW-Pintu, while getting his statement recorded under Section 164 Cr.P.C., following the registration of the FIR in question, had not levelled any specific or direct allegations against the petitioner, however, he along with the other accused had arrived only after the prime accused, Raju @ Chautala, had telephonically called them at the spot. It has also been submitted that although it was co-accused, Raju @ Chautala, who had an axe to grind against the deceased, who was a rag picker, however, the mere fact that all the accused including the petitioner had arrived at the spot following a telephone from co-accused, Raju @ Chautala, clearly points to their involvement in the crime in question.

5. On a pointed query put to learned State counsel as to whether the petitioner was armed with any weapon at the time of occurrence in question, he, on instructions, has replied in the negative.

6. I have heard learned counsel for the parties and perused the material placed on record including the FIR which is annexed as Annexure P-1 and is reproduced hereinunder:-

“The copy of written application, to Superintendent of Police, District Panipat. Subject:- regarding register a case of murder of Arif son of Ali Hassan, resident of Gulshan Nagar,

Kairana, U.P and to take action against the accused. Respected Sir, it is submitted that I Nafis Wats aged 42 years, Ali Hassan, resident of Gulshan Nagar, Kairana, U.P. That I am a illiterate person and doing the work of laborer. We are ten brothers and sisters. My father died many years ago, my mother is alive. That my six brothers Arif Wats was 27 years old and married. He has two children, a boy and a girl. Arif used to earn his livelihood by selling scrap, which he collected from different places. Who use to travel from Kairana, U.P to Panipat almost every day for work and after completing the same, he used to return to his home in Kairana from Panipat in the evening. That on 12.08.2023, around 08:30 AM I received an information that my brother Arif has died and his body is kept in the mortuary room. I alongwith my family reached Government Hospital, Panipat, where I met Raju son of Randhir Singh, resident of Gazipur, Police Station Gazipur, District Fatehpur, U.P, who disclosed that he and Arif was assaulted by 7/8 boys, out of them one was Chautala and other one was Kala and due to beatings given by these persons, Arif has died on the spot. After death of Arif many relatives have gathered at House. Who were again and again asking to bring the dead body, as it is been three days, when will you bring dead body. In the government hospital I found persons from Premi Dabha and asking me to make a statement. Thereafter, I have given an application to police regarding my brother has been died on account of some unknown disease. That on 19.12.2023, after conducting the postmortem I took the body to my village and buried. Later on I came to know that in postmortem report doctor had identified injuries on Arif. That a strict legal action be taken against the persons, who murdered my brother by giving beatings and justice be given to the family of deceased Arif. Sd/- Nafees aged 42 years son of Ali Hassan, resident of Kairana, U.P. Mobile No.171328900.”

7. A perusal of the FIR reveals that it is the co-accused Raja @ Chautala and Sukarampal @ Kala, who allegedly masterminded the entire occurrence in question; the petitioner has not been named in the FIR in question nor has any motive been attributed to him to participate in the crime in question.

8. No doubt, there is a CCTV footage capturing the presence of the petitioner at the time of occurrence in question, however, since all the material witnesses except one stand examined and have been declared hostile, coupled with the fact that no injury much less fatal has been attributed to the petitioner, this Court deems it fit to extend the concession of bail to the petitioner.

9. Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

10. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

July 03, 2025
sanjeev

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