



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

108+238

CRM-M-45636-2024 (O&M)

Date of decision: 05.03.2025

Tej Singh @ Nitej

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Raj Kumar Chandana, Advocate
for the petitioner.

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

MANJARI NEHRU KAUL, J. (ORAL)

CRM-9339-2025

For the reasons mentioned in the application, the same is allowed and copies of FIRs registered against the petitioner are taken on record as Annexures P-4 and P-5 subject to all just exceptions.

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1. The petitioner is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.378 dated 06.11.2023 under Sections 302, 120B, 34 of the IPC and Section 25 of the Arms Act, 1959, registered at Police Station Bahalgarh, District Sonipat.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 07.11.2023 in the present case for allegedly conspiring with co-accused Rohit and Himanshu, who allegedly committed the murder of Shakib. It has been submitted by the



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learned counsel that as per the case of the prosecution also the petitioner was not present along with the co-accused when they fired at the deceased. Learned counsel has submitted that in the aforementioned facts and circumstances moreso when he has not been attributed any injury, much less fatal, on the person of the deceased and after the charges were framed on 03.09.2024 only 01 prosecution witness out of the 23 cited, has been examined, further incarceration of the petitioner would serve no useful purpose as there is no possibility of the trial concluding in the near future.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, has not disputed the custody period of the petitioner nor has it been disputed that the petitioner was neither present along with co-accused Rohit and Himanshu who allegedly gunned down deceased Shakib, however, learned State counsel has submitted that the petitioner had conspired with the co-accused to carry out the murder of one Bunty, however, instead deceased Shakib was murdered on account of a mistaken identity. It has been further submitted by the learned State counsel that the petitioner and the co-accused conspired to eliminate Bunty on account of a history of strained relations. In addition, learned State counsel has reiterated the contents of the FIR which stand reproduced hereinunder:-

“To, SHO Sahib, Police Station Bahalgarh. Sir, myself, Shehdab son of Tahir, am resident of village Babri Mohalla, Kurshiyar, Police Station Babri, District Shamli, Uttar Pradesh and doing the business of selling quilts and blankets in the area of Bahalgarh and since last 10-12 days, I along with my family was residing, as tenant, in the



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house of Jai Parkash son of Anoop Singh, resident of Bahalgarh. On dated 06.11.2023, at about 12 O'clock, in night, after selling quilts and blankets throughout the day, I along with my uncle Shakib son of Shehzad, resident of Babri, District Uttar Pradesh, had reached Bala Ji Dhaba, Bahalgarh for taking tea and after 10 minutes thereof, two boys, riding on a motor cycle, came from Bahalgarh chowk and the boy sitting on pillion was wielding a country made pistol, who, on reaching near dhaba, fired gun shot and bullet struck on right side of Shakib, due to which Shakib died on the spot. Shakib has been murdered by two unknown bike riders by firing gun shot and it has been revealed to me that both the said persons, under some grudge, had fired upon Banti Bahalgarh. Stern action against those bike riders may be initiated. Sd/ Shehdab. Mob. No. 9350251792."

4. Learned State counsel, on further instructions, has not disputed that after the charges were framed on 03.09.2024, only 01 out of the 23 prosecution witnesses, has been examined and the next date fixed before the learned Trial Court is 11.04.2025 when some more witnesses are likely to be examined.

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

6. As is evident from a reading of the FIR in question, it was registered against some unidentified persons, who came to the place of occurrence and thereafter fired at deceased Shakib on account of which he lost his life. The petitioner even as per the conceded case of the prosecution, was not present at the time of the alleged occurrence; the only role attributed to the petitioner is of having entered into a conspiracy to eliminate one person namely Bunty, however, instead of Bunty, the deceased was mistakenly gunned down. The possibility of the trial concluding in the near future does not arise as 22 prosecution



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witnesses still remain to be examined. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed. 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.

8. 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.

05.03.2025

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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