



211

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

CRM-M-48077-2024

Date of Decision: 10.01.2025

Rahul

...Petitioner

VS.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Sahil Choudhary, Advocate, for the petitioner.
Mr. Rajinder Kumar Banku, Deputy Advocate General, Haryana.
Ms. Pallavi Babbar, Advocate, for the complainant.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail in case FIR No.131 dated 19.02.2024 registered under Sections 302, 120-B of IPC and Sections 25-54-59 of Arms Act, at Police Station City District Karnal.
2. The FIR in the present case was registered on the basis of the statement made by Preeti wife of Shankar (since deceased) by alleging that on 19.02.2024, she got the information that her husband Shankar has been killed by Dinesh due to some old enmity. She reached at the spot and she was informed by Shikander that Dinesh had fired at Shankar.
3. Learned counsel for the petitioner contends that the petitioner has been falsely involved only on the basis of suspicion and he had never participated in the occurrence. Further, except the disclosure statement suffered by co-accused, there is no other evidence against him and it has been falsely alleged that the petitioner was accompanying with the main accused. The petitioner was arrested on 27.02.2024 and is in custody for the last more than 10



months. He further contends that the charge in the present case has been framed on 25.07.2024 and out of 24 prosecution witnesses, no witness has been examined so far. Thus, the conclusion of the trial may take quite a long time.

4. On the other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner had gone at the place of occurrence with Dinesh, main accused and the petition deserves to be dismissed.

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

6. From a perusal of the FIR (Annexure P-1), it is apparent that the occurrence was witnessed by Rajesh Kumar and Om Parkash and both of the witnesses had not named Rahul as one of the assailant. However, during the course of investigation, Dinesh had disclosed the name of Rahul as one of the co-accused. The prosecution is yet to lead the evidence with regard to the involvement of the petitioner in the commission of crime, during the course of trial.

7. Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

10.01.2025

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

(N.S.SHEKHAWAT)
JUDGE