



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

222

CRM-M-51143-2024 (O&M)

Date of decision: 30.01.2025

Rahul alias Karan Pal

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Mandeep Nehra, Advocate for the petitioner.

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

MANJARI NEHRU KAUL, J. (ORAL)**CRM-49864-2024**

Learned counsel for the petitioner submits that he does not want to press the instant application.

Dismissed as not pressed.

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1. The petitioner in the instant (second) petition is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.54 dated 27.02.2022 under Sections 120-B, 302 (148, 149, 323, 325 added lateron) of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 registered at Police Station Chhachhrauli, District Yamuna Nagar.

2. Learned counsel for the petitioner submits that the petitioner has been in custody for close to three years having been arrested 04.03.2022. The possibility of the trial concluding in the near future seems unlikely as 15 prosecution witnesses still remain to be examined. Learned counsel has further submitted that two material



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witnesses i.e. the complainant (wife of the deceased) and Deepak (injured witness) have already been examined and hence, there can now be no apprehension of the petitioner intimidating or influencing the witnesses. While drawing the attention of this Court to the allegations levelled in the FIR annexed as Annexure P-1, it has been further submitted by the learned counsel that firstly, the petitioner has not been named in the FIR in question and secondly, even though he was later nominated as an accused in a disclosure statement allegedly suffered by co-accused Karan, fatal injuries had not been attributed to the petitioner but to co-accused Sandeep, who allegedly inflicted knife blows into the abdomen of the deceased. Learned counsel submits that in the circumstances, further incarceration of the petitioner would serve no useful purpose moreso when identically placed co-accused have been extended the concession of bail.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions, has not disputed the custody period of the petitioner nor has he disputed that the petitioner came to be nominated as an accused in the present case pursuant to a disclosure statement allegedly suffered by co-accused Karan. Learned State counsel, however, submits that although the petitioner has not been attributed fatal injuries on the person of the deceased but he had actively participated in the occurrence in question and had assaulted the deceased with a wooden stick, which was subsequently recovered from the petitioner; one of the motorcycles which were used by the accused during the occurrence in question, had



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also been recovered from the petitioner.

4. Learned State counsel, on further instructions, has not disputed the stage of trial and factum of all the material witnesses, including the complainant and stamped witness Deepak, having been examined.

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

6. As per the conceded case of the prosecution, the petitioner was not named in the FIR in question, he was nominated subsequently in a disclosure statement allegedly suffered by co-accused Karan. The petitioner has not been attributed fatal injuries but only stick blows on the person of the deceased. The trial is unlikely to conclude in the near future. 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.

30.01.2025

Vinay

(MANJARI NEHRU KAUL)

JUDGE

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