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

CRM-M-51125-2024

Date of decision : 25.03.2025

Sahil @ Chitta**.....Petitioner****versus****State of Haryana****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Baljeet Nain, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana assisted by
SI Rajesh.

RAJESH BHARDWAJ, J. (Oral)

1. Petitioner has approached this Court by way of filing the present third petition praying for grant of regular bail to him in case FIR No.421 dated 14.11.2021, under Sections 302, 34 of IPC and Section 25 of Arms Act (Section 34 of IPC added and Sections 148, 149 IPC deleted lateron), registered at Police Station Narwana Sadar, District Jind, Haryana.
2. Succinctly facts of the case are that the FIR in the present case has been registered on the statement of Kuldeep son of Sube Singh. It has been alleged that on 14.11.2021 at about 08:15 AM, he received a call from Joginder Contractor that his brother Hardeep was shot at Village Gursar. On receiving the information, he reached Village Gursar and found that the dead body of his brother Hardeep @ Jadeja lying on the way opposite the house of Shobha Chand. On enquiry, he found that at about 08:00 AM, when his brother reached Village Gursar then Manjeet @ Kala along with 4-5 other persons stopped his brother's vehicle Bolero Camper near Government School Chowk of Village Gursar, and fired indiscriminately upon his brother. It was alleged that Manjeet @ Kala had earlier also threatened his brother to



be shot. Request was made to take legal action against the culprits. On registration of the FIR, investigation commenced. During investigation, co-accused Manjeet @ Kala was arrested on production warrants who made a disclosure statement about the complicity of the petitioner and thus, he was also arrayed as an accused and was arrested on 19.12.2021. He approached the Court of learned Additional Sessions Judge, Jind praying for grant of bail however, after hearing counsel for the parties, the same was declined vide order dated 22.08.2024. Thereafter, petitioner earlier approached this Court twice by way of filing petitions bearing CRM-M No.6248-2023 and CRM-M-40651-2023 however, the same were allowed to be dismissed as withdrawn vide orders dated 24.04.2023 and 06.09.2023 respectively. Hence, petitioner is before this Court by way of filing the present third petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in this case. He submits that the case of the prosecution is totally based on circumstantial evidence as there is no direct evidence regarding the occurrence. He submits that during investigation, petitioner has been roped in as one of the accused on the basis of the disclosure statement of co-accused which is not an admissible evidence. It has been alleged that the petitioner was a part of an unlawful assembly however, there are no substance to prove the allegations during investigation itself that petitioner was either armed with any weapon or he fired at the deceased. He further submits that petitioner has no criminal antecedents. He submits that petitioner is behind bars from last 03 years however, the trial is not concluded. He thus, submits that in the facts and circumstances of the case, petitioner deserves to be granted bail.

4. Learned State counsel has opposed the submissions made by counsel for the petitioner. He submits that the complicity of the petitioner



was duly established during investigation. He submits that petitioner was part of the unlawful assembly and it is on the motorcycle of the petitioner, the assailants escaped after committing the murder of the deceased. He, on instructions from SI Rajesh, submits that out of 31 prosecution witnesses, 08 witnesses have been examined. He further submits that the petitioner has no criminal antecedents.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the case of the prosecution is based on circumstantial evidence. Petitioner is named on the basis of the disclosure statement of co-accused. He allegedly used his motorcycle in helping the co-accused who allegedly fired at the deceased to escape from the scene. Needless to say the petitioner is behind the bars since 19.12.2021 however, till date, only 08 witnesses have been examined. There is nothing on record to show that petitioner has any criminal antecedents.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. 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. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

25.03.2025
m.sharma

(**RAJESH BHARDWAJ**)
JUDGE

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