



214 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-3456-2024

Date of Decision: 30.01.2025

CHETAN @ CHINTU

...Appellant

Vs.

STATE OF HARYANA

...Respondent

CORAM:- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Balraj Gujjar, Advocate for the appellant.

Mr. Rajat Gautam, Addl. AG, Haryana.

Mr. R.S. Pathania, Advocate for

Mr. Sunil Saharan, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (Oral)

1. The present appeal has been filed against the impugned order dated 31.07.2024 passed by learned Additional Sessions Judge, Hisar whereby regular bail application of the appellant has been dismissed in case FIR No. 275 dated 25.06.2023 under Sections 147, 148, 149, 216, 302, 307, 452, 384, 506 and 120-B IPC and Section 25 of the Arms Act, Section 3(2) (v) of the SCT/ST Act, registered at Police Station Agroha, District Hisar, Haryana.

2. Learned counsel for the appellant submits that the appellant is in custody since 04.08.2023, in an apparent case of false implication which is evidence from the fact that the crime in question took place on 25.06.2023, and on the said date, it is a matter of record that he was already in custody in another criminal case, hence it could not be possible for the appellant to have in any manner participated in the occurrence in question. It has been



further submitted that even otherwise the appellant had no motive to conspire with the co-accused to participate in the crime in question as it is the case of the prosecution itself that on account of some election feud between complainant party and the accused party, the murder in question took place. Furthermore, it has been submitted that the appellant was subsequently nominated as an accused in the present case on a disclosure statement allegedly suffered by co-accused Arun Pandit who claimed that the weapon of offense had been procured through the appellant. It has been further asserted by the learned counsel that there is an allegation put forth by the complainant as it is suspected in view of the fact that although it was claimed to be an eye-witness account, however, in the FIR it has been alleged that it was one Suresh and Vinod who had fatally injured the deceased, however, later on in a supplementary statement made by the complainant, an alleged eye-witness to the occurrence in question, the name of Vinod had been substituted with co-accused Arun Pandit and thereafter disclosure statement was fabricated to the effect that the weapon of offense had been supplied to him by the appellant. Learned counsel has contended that since the investigation in the present case is complete, charges have been framed and after the examination-in-chief of the complainant, an application under Section 319 Cr.P.C. has been moved, there is no likelihood of the trial concluded in the near future. Hence the appellant be enlarged on bail.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the appellant has not disputed the



custody period of the appellant nor has it been disputed, on instructions, that only role attributed to the appellant is of having supplied the weapon of offense to the co-accused, Arun Pandit, who initially was not alleged to be the person who fired the fatal pistol shots on the deceased, but, came to be nominated as an accused after almost a month of the alleged occurrence in supplementary statement made by the complainant, who therein substituted the original prime assailant, Vinod with the co-accused Arun Pandit.

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

5. The appellant has not been attributed any motive to commit the murder, which have been as per the case of the prosecution has been attributed to the co-accused Suresh, Vinod and Arun Pandit etc. with whom there was an ongoing dispute pertaining to the said allegations. The appellant is alleged to have only provided the weapon of offense to the accused persons. The trial is unlikely to conclude in the near future as an application under Section 319 Cr.P.C. For summoning the co-accused Balwant Singh is pending adjudication.

6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the appellant. Accordingly, the instant petition is allowed and the appellant 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.



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

(MANJARI NEHRU KAUL)
JUDGE

30.01.2025

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