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

CRM-M-55384-2024**Date of Decision: 16.01.2025**

Manish

...Petitioner

vs.

State of Haryana

...Respondent

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

Present : Mr. Balraj Gujjar, Advocate with
Mr. Ramesh Chand, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

Mr. Kunal Dawar, Advocate and
Mr. Jagjot Singh, 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.99 dated 08.02.2024 registered under Sections 302, 506, 34 of IPC (Sections 109, 114, 120-B of IPC added later on) and Section 25 of Arms Act, at Police Station Sector-58, Faridabad, District Faridabad.

2. Learned counsel for the petitioner contends that as per case of the complainant, as mentioned in the FIR (Annexure P-1), the petitioner had made a telephonic call to the complainant after occurrence and had also informed him about the crime. He further contends that as per the complainant, Nitesh and Mohit alongwith their 2-3 other companions had stabbed on Inderjeet, since deceased and no role has been assigned to him. At a later stage, the petitioner



has been implicated in the present case with the aid of Section 120-B of IPC. Even though no evidence was available on the file to prove the complicity of the petitioner in the crime. Learned counsel further contends that it has been falsely alleged that the petitioner was in touch with the other accused with regard to the commission of crime. Rather, the complainant as well as the accused side were already known to the present petitioner and telephonic calls were made by him in routine. The petitioner was arrested in the present case on 13.02.2024 and his case is clearly distinguishable from the case of Nitesh and Mohit and their companions, who had stabbed Inderjeet, since deceased.

3. 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 hatched a conspiracy with the principal accused in the present case and the occurrence had taken place at the shop of the petitioner. Even the petitioner was regularly in touch with the other co-accused.

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

5. From the submissions made by learned counsel for the parties, it is apparent that in the initial version, the petitioner was not named as one of the assailant and rather he has been shown as a witness, who had informed the complainant telephonically about the occurrence. The prosecution is yet to lead the evidence with regard to the involvement of the petitioner in the present case only during the course of trial. At this stage, the petitioner is in custody for the last 11 months and no witness has been examined so far.

6. 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.

16.01.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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