

2025.PHHC.007196



206.

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

CRM-M-57721-2024

Date of decision: 18.01.2025

Sandeep

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Rahul Verma, Advocate, for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

The instant petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case FIR No.138, dated 13.03.2020, under Sections 148, 149, 307, 323, 324, 341 of IPC (Sections 302, 120-B IPC added lateron), registered at Police Station Gohana City, Sonipat.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 20.03.2020 in an apparent case of false implication which is evident from the fact that one of the most material witness Amit, who had written the FIR purportedly at the instance of the deceased, who at that relevant time was alive, had not supported the case of the prosecution. It has been contended that the trial has been making very slow progress with only 18 out of 28 prosecution witnesses examined till

date. Hence, there is no possibility of the trial concluding in the near future.

It has also been submitted that in fact the deceased was a man of criminal antecedents and, therefore, the likelihood of the deceased having been inflicted fatal injuries by some of his adversaries cannot be ruled out.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has reiterated the allegations levelled in the FIR, which has been annexed as Annexure P-1, and stands reproduced hereinunder:-

“To the SHO, Police Station, City Gohana, Sir, I state that I Sumit son of Jaswant resident of village Khandarai and I do farming. We are two brothers and one sister. My mother is alive and my father is dead. Yesterday on 12.03.2020, there was an altercation between me and **Sandeep** son of Gugglu resident of village Khandarai and while I was returning home at night from my fields, then due to marriage in the family of Sandeep, all the family members of his house were awake and on seeing me coming Sandeep shouted that he has come. Let us surround him and kill him. He immediately ran and brought farsa from his house and his father brought an axe and along with them there were 3-4 male members and 3-4 female members and all of them were having weapons in their hand who got together and attacked me with the intention of killing me. Sandeep hit me with farsa on my neck which, went on cutting my left cheek and chin and the rest of the people attacked me with axe, knife, stick and spears. Thereafter, thinking that I was dead, they left on the street and ran away and the above mentioned people blocked my way and attacked me. Legal action be taken against them. When my family members came to know about this, they admitted me in an unconscious state in the hospital in gohana from where I was referred to PGI Rohtak where I am undergoing treatment. I have got this application written by my brother Amit son of Rambaj and have submitted it to you under my signature. Action be taken against the above mentioned accused person. With the family members of Sandeep, I have an old grudge. They attacked me with the intention of killing me. My brother has put the left hand thumb impression in my presence Sd-AMIT LTS Sumit 9896565756 13/3/2020.”

It has been contended by the learned State counsel, on instructions, that the FIR in question is more in the form of a dying declaration; the petitioner was specifically named in the FIR in question and the role played by him in the alleged occurrence was also explicitly and categorically detailed by the deceased. It has been further submitted that the medical evidence on record corroborates the ocular testimony as given out in the FIR in question. Furthermore, learned counsel submits that although the petitioner has been in custody since 20.03.2020, the trial is nearing conclusion as the remaining 07 prosecution witnesses, who are formal in nature have been bound down for 22.01.2025. Learned State counsel, on further instructions, has not disputed that PW Amit did not support the case of the prosecution and was declared hostile. He, however, submits that PW Amit was not a witness to the occurrence in question and had merely written down the FIR at the instance of the deceased and hence, even if PW Amit had turned turtle during trial, it would not enure to the benefit of the petitioner in the light of the other corroborative evidence on record including medical evidence.

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

No doubt, the petitioner has been in custody since 20.03.2020. However, there is every likelihood that the trial would not take much time to conclude as only formal witnesses remain to be examined who have been bound down for 22.01.2025. Keeping in view the role attributed to the

petitioner in the murder in question, this Court does not deem it fit to extend the concession of bail to the petitioner.

Present petition stands dismissed accordingly.

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.

At this stage, a request has been made by the learned counsel for the petitioner to direct the trial Court to expedite the trial on account of the long incarceration of the petitioner.

The trial Court is directed to make earnest efforts to conclude the trial at the earliest, preferably within the next three months. It is expected that prosecution as well as the defence would not create any obstacles in the conclusion of the trial.

(MANJARI NEHRU KAUL)
JUDGE

January 18, 2025
sanjeev

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