



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

214

CRA-S-4144-2024

Date of decision: 09.07.2025

Chander Mohan

.....Appellant

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr.P.K. Chugh, Advocate
for the appellant.

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

Mr. Sunil Saharan, Advocate
for respondent No.2.

MANJARI NEHRU KAUL, J.

1. The appellant is challenging order dated 13.03.2024 passed by learned Additional Sessions Judge, Hisar, whereby his application for grant of regular bail in case FIR No.275 dated 25.06.2023 under Sections 147, 148, 149, 216, 302, 307, 452, 384, 506 and 120B of the IPC, Section 25 of the Arms Act, 1959 and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Agroha, District Hisar, was dismissed.

2. Learned counsel for the appellant has contended that the appellant has not been named in the FIR and his implication in the present case is solely based on the disclosure statement of co-accused Karambir Singh (who has since been released on bail). It is submitted



that according to the said statement, the co-accused allegedly procured two cartridges from the appellant, which were later used in the commission of the offence. Apart from this disclosure, it has been asserted that there is no direct or independent evidence linking the appellant to the alleged offence.

3. It is still further argued that the complainant (father of the deceased), did not name the appellant at the time of lodging the FIR. The appellant's name surfaced only in a supplementary statement made after a delay of 11 days, raising serious doubts about the credibility and spontaneity of the said assertion.

4. Learned counsel has also emphasised that no specific motive has been attributed to the appellant in relation to the murder of the deceased, Jai Prakash. In a case founded entirely on circumstantial evidence, the absence of motive assumes greater significance, and in the absence of a clear and cogent link between the appellant and the commission of the offence, further incarceration of the appellant would serve no useful purpose.

5. Still further, it has been submitted that the appellant has been in custody since 19.08.2023 and the trial is likely to take considerable time to conclude, therefore, the instant appeal be allowed.

6. *Per contra*, learned State counsel, assisted by learned counsel for respondent No.2, has vehemently opposed the prayer and submissions made by the counsel opposite. It has been fairly conceded that the appellant has not been named in the FIR and no direct motive for the offence has been attributed to him. However, it is contended that



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two cartridges allegedly supplied by the appellant were used in the commission of the offence, thereby establishing his indirect involvement. It is further submitted that the appellant is involved in two other cases registered under the Arms Act.

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

8. *Prima facie*, the case against the appellant is based on circumstantial evidence. It is not in dispute that the appellant has not been named in the FIR. His implication in the present FIR arises solely from the disclosure statement of co-accused, Karambir Singh, who has already been granted bail. No independent recovery has been effected at the instance of the appellant. Further, the supplementary statement of the complainant, recorded after an unexplained delay of 11 days, naming the appellant is not supported by any contemporaneous material or corroborative evidence.

9. The learned State counsel has not been able to bring to the notice of this Court any specific motive on the part of the appellant to have conspired to participate in the occurrence in question. In a case resting entirely on circumstantial evidence, the absence of motive and the lack of a direct nexus between the appellant and the offence would significantly weigh in his favour at this stage while considering the grant of bail.

10. The appellant has been in custody since 19.08.2023. The trial will take a substantial time to conclude. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to

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extend the concession of bail to the appellant. Accordingly, the instant appeal is allowed and the appellant is admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned, which may impose any additional stringent conditions to ensure the presence of the appellant on each and every date of hearing. 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.

11. 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.

09.07.2025

Vinay

**(MANJARI NEHRU KAUL)
JUDGE**

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