



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

CRM-M-63161-2024
Date of decision: 10.03.2025

Aman

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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

Mr. Karan Garg, AAG, Haryana.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 483 of BNSS 2023 seeking grant of regular bail to the petitioner in case having FIR No.124 dated 03.04.2023, under Section 302 IPC read with Section 34 IPC and Section 25 of Arms Act (Sections 109, 102-B and 202 of IPC added later on), Police Station Bahalgarh, District Sonipat (Haryana).

2. The allegations in brief are that complainant Sumit son of Rajpal reported to the police that two unidentified persons have shot dead his brother Amit, when he reached near the liquor vend of village Kishora, on 03.04.2023. During investigation, the petitioner was arrested.

3. The counsel appearing on behalf of the petitioner submits that the FIR in this case was registered against two unknown assailants who killed Amit brother of the complainant. The petitioner was nominated as an accused on the basis of supplementary statement of the complainant



wherein he stated that petitioner Aman and one Gaurav instigated/incited Rohit @ Shera and Rahul @ Bholu to kill his brother Amit. It is further submitted that during investigation, no incriminating article was recovered from possession of the petitioner who is behind bars for the last more than 1 year and 11 months and is having no criminal history. It is further submitted that similarly situated co-accused Gaurav who was also later on nominated as an accused is already enlarged on bail by the co-ordinate Bench of this Court vide order Annexure P-6 dated 28.11.2024. It is further submitted that it will take time for the trial to conclude and in the given circumstances, further detention of the petitioner is not going to serve any purpose.

4. Reply by way of affidavit of Vipin Kumar Ahlawat, Assistant Commissioner of Police, Rai, District Sonipat filed on behalf of the State is taken on record along with documents Annexure R-1 to R-8.

5. The present petition is resisted by the State counsel who submits that the present petitioner was part of the conspiracy which was hatched by the accused persons to kill Amit, brother of the complainant. The petitioner instigated his co-accused to execute the plan and resultantly, his co-accused killed Amit by causing him fire arm injuries. It is further submitted that the petitioner was in touch with co-accused Rohit @ Shera, through phone and informed him about the exact location of the deceased, as is clear from the concerned call details record. However, it is not disputed that the petitioner is in custody for the last more than 1 year and 11 months and is having no criminal antecedents and that the material witnesses are already examined but still 7 more witnesses are to be examined on behalf of the prosecution.



6. Admittedly, the FIR in this case was registered against two unknown persons who killed Amit, brother of the complainant. As per prosecution version, the incident in question was witnessed by one Sahil. However, the said eye witness while appearing in the witness box as PW-3 failed to support the case of prosecution, as is clear from his deposition Annexure P-4. Even, as per the testimony (Annexure P-5) of complainant Sumit, the only allegations against the present petitioner and co-accused Gaurav are that the other two accused murdered Amit on instigation of the petitioner and Gaurav. Admittedly, co-accused Gaurav is already given benefit of regular bail vide order Annexure P-6. The petitioner is incarcerated for the last more than 1 year and 11 months and is having no criminal history and it will take time for the trial to conclude. The exact complicity of the present petition will be determined only at the time of hearing of final arguments in the trial. Having regard to the aforesaid facts and circumstances of the case, no purpose is going to be served by prolonging the judicial custody of the petitioner.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

10.03.2025*Yogesh***(KARAMJIT SINGH)
JUDGE****Whether speaking/reasoned:-
Whether reportable:-****Yes/No
Yes/No**