



232 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-33-2025 (O&M)
Date of Decision: 30.01.2025

AMIT KUMAR @ ASHWANI @ ASHU CHHABBA

...Appellant

Vs.

STATE OF HARYANA AND ANOTHER

...Respondent

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

Present: Mr. Rajat Mor, Advocate for the appellant.

Mr. Rajat Gautam, Addl. AG, Haryana.

Mr. R.S. Pathania, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (Oral)

CRM-372-2025

This is an application filed under Section 5 of the Limitation Act, 1963, for condonation of delay of 72 days in filing the present appeal.

For the reasons mentioned in the application, delay of 72 days in filing the appeal is condoned.

CM is disposed of.

CRA-S-33-2025

1. The present appeal has been filed by the appellant seeking concession of regular bail in case FIR No. 275 dated 25-06-2023 under Sections 147, 148, 149, 302, 307, 452, 506, 384, 216 120-B IPC, Section 25 of the Arms Act, 1959 and Section 3(2)(V) OF Schedules Castes and Schduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Agroha, District Hisar, Haryana.



2. Learned counsel for the appellant submits that the appellant has now been in custody since 11.08.2023. While drawing attention of this Court to the allegations levelled in the FIR, it has been submitted that there are no allegations against the appellant much less of inflicting the fatal injury on the deceased Jay Parkash. In fact, as per the case of the prosecution itself, it was one Arun Pandit and Suresh who fatally fired upon the injured-deceased while he was lying in his house on the fateful evening. It has been argued by learned counsel that the appellant came to be nominated as an accused much after the registration of the FIR in question and that too in a supplementary question recorded by the complainant wherein he claimed that he suspected the involvement of some other co-accused along with the appellant; the appellant was present along with the co-accused in the car. Supplementary statement was recorded wherein some other co-accused were nominated in the disclosure statement suffered by complainant-Satpal. Much later, another supplementary statement was made wherein the name of Vinod was substituted with co-accused Arun Pandit being the person who fired the pistol shots on the deceased. Learned counsel submits that even as per case of the prosecution, the appellant was not present at the time of alleged occurrence inside the house of the complainant, but, he had previously sheltered the co-accused and had instigated them to carry out the crime in question on account of some strained relations due to election feud between the parties. Learned counsel has, therefore, submitted that in the circumstances, and in view of the loosely knit evidence collected by the prosecution with respect to the



involvement of the appellant in the alleged murder, he deserves to be extended the concession of bail moreso when, after the complainant had been examined, an application under Section 319 Cr.P.C. had been moved for summoning the additional accused to face trial, which was still pending adjudication. Hence, there was no possibility of the trial concluding in the near future.

3. Per contra, learned State counsel has vehemently opposed the prayer and submissions made by learned counsel for the appellant. It has not been disputed by the learned State counsel, on instructions, that fatal injuries have not been attributed to the appellant nor had he accompanied the co-accused to the place of occurrence. However, it has been asserted that prior to the occurrence in question, the appellant had given shelter to the co-accused who had given shelter to the prime accused and had murdered the deceased; the appellant on account of strained relationship with the complainant party has also instigated prime accused Suresh to carry out the murder in question.

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

5. The appellant has been in custody for more than a year having been arrested on 11.08.2023. There is no possibility of the trial concluding in the near future as an application under Section 319 Cr.P.C. has been moved by the prosecution for summoning Balwant Singh as an additional accused and the same application is pending adjudication. The appellant in view of the role attributed to him would not be in a position to tamper the



evidence, much less influence/intimidate the witnesses.

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