



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

251

CRM-M No.3305 of 2025
DATE OF DECISION : 27th JANUARY, 2025

Jasmer

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

* * * *

Present : Mr. Ravi Kumar Girdhwal, Advocate for the petitioner.

Mr. Yuvraj Shandilya, AAG, Haryana.

Mr. Rakesh Gupta, Advocate for the complainant.

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MANJARI NEHRU KAUL, J. (Oral)

The petitioner is seeking the concession of bail by way of present second petition under Section 439 Cr.P.C. in case FIR No.95 dated 18.03.2022 under Sections 302, 506 & 34 IPC and Sections 25-54-59 Arms Act, registered at Police Station Asaudha, District Jhajjar.

2. Learned Counsel for the petitioner submits that the case of the prosecution falls flat in the face since even, as per the case of the prosecution itself, the injuries sustained by the deceased were with a knife and not with a spade (*kassi*), which the petitioner was allegedly armed with, at the time of the occurrence in question. Learned counsel has submitted that since it is a case based on eyewitness account, this material discrepancy in the version put-forth by the prosecution creates a serious dent in its case, and on this ground alone the petitioner deserves



to be granted concession of bail. Still further it has been argued that the alleged injury, which has been attributed to the petitioner, is a punctured wound which could not be possible with a spade, and it was not even one of the fatal injuries sustained by the deceased. Learned counsel has, therefore, asserted that since the petitioner has now been in custody for almost three years having been arrested on 22.03.2022 and two out of the twenty four prosecution witnesses, including an alleged eyewitness, having been examined, his further incarceration would serve no useful purpose as it will be a long time before the trial concludes.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by learned counsel opposite, has not been able to controvert that the case, as put up by the prosecution, at the time of filing of challan, is at variance with the allegations levelled in the FIR in question that the petitioner has inflicted injuries with a *kassi*. It has been submitted by the learned State counsel that, in fact, during investigation it surfaced that the petitioner was armed with a knife, with which he inflicted injuries on the thighs of the deceased. On further instructions it has however, not been disputed that fatal injuries have not been attributed to the petitioner.

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

5. The petitioner has been in custody for more than three years, having been arrested on 22.03.2022. The trial is unlikely to conclude in the near future as twenty two prosecution witnesses still remain to be examined.



6. In the facts and circumstances enumerated hereinabove coupled with the fact that the material witnesses having been examined, this Court deems it fit to extend the concession of bail to the petitioner as no further incarceration of the petitioner is required.

7. Accordingly, the instant petition is allowed and the petitioner 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.

8. 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.

27th January, 2025
'raj'

(MANJARI NEHRU KAUL)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>