



CRM-M-45948-2024

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-45948-2024 (O&M)

Date of decision : 27.1.2025

Mukender alias Malvinder alias Malli

... Petitioner

VERSUS

State of Haryana

... Respondent

**CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present: Mr. Gaurav Mohunta, Advocate with  
Mr. Satyendra Kumar, Advocate,  
for the applicant-petitioner.

Mr. Sulinder Kumar, DAG, Haryana

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**KARAMJIT SINGH, J. (Oral)**

**CRM-1088-2025**

Allowed as prayed for and documents Annexure P-8 and P-9  
are taken on record subject to all just exceptions.

**Main case**

Prayer in the present petition is for grant of regular bail to the  
petitioner in case having FIR No.463 dated 1.12.2022 registered under  
Sections 212, 307, 34 IPC and Sections 25 of Arms Act at Police Station  
Cheeka, District Kaithal.

2. FIR in this case was registered on the basis of statement of one  
Govind Sharma wherein it was alleged that he and Hardip Singh were  
attacked by Ajay Kumar and Cheeka who caused injuries to Hardip Singh  
with the help of firearms. Later on, the petitioner was nominated as accused



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on the basis of the supplementary statement of complainant-Govind Sharma and thereafter, the petitioner was arrested on 14.6.2023.

3. Counsel appearing on behalf of the petitioner, *inter alia*, submits that the petitioner is falsely nominated as accused in the present case and is incarcerated for the last 1 year and 7 months and that during trial, material witnesses namely complainant-Govind Sharma and injured Hardip Singh have not supported the case of the prosecution. He produced copies of their statements Annexures P-8 and P-9 which are taken on record.

4. Counsel for the petitioner further submits that in the given circumstances, no gainful purpose is going to be served by keeping the petitioner in custody any further.

5. Present petition is resisted by the State counsel who submits that no doubt, the petitioner was not named in the FIR but later on, nominated as accused on the basis of the supplementary statement of complainant-Govind Sharma and thereafter, the petitioner was arrested and is incarcerated for the last more than 1 year and 7 months. State counsel further apprised the Court that now the trial is going on.

6. As per status report dated 7.12.2024 submitted by the trial Court, statements of complainant-Govind Sharma and injured-Hardip Singh stood recorded.

7. In light of the fact that both key witnesses namely injured Hardip Singh and Govind Sharma complainant while appearing in the witness box as PW1 and PW2 failed to identify the accused persons including the present petitioner during trial, this Court is of the view that no



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purpose is going to be served by prolonging judicial custody of the petitioners.

8. 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.

**( KARAMJIT SINGH )**  
**JUDGE**

January 27, 2025  
Paritosh Kumar

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