



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

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CRM-M-7755-2025

Date of decision: April 4th, 2025

Satpal @ Patra

.....Petitioner

Versus

State of U.T. Chandigarh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Jasbir Singh Dadwal, Advocate
for the petitioner.

Mr. Manish Bansal, Public Prosecutor, Chandigarh
assisted by S.I. Malkit Singh.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of regular bail in FIR No.1 dated 02.01.2024 under Sections 302, 34 of the IPC registered at Police Station Mauli Jagran, Chandigarh.

2. Learned counsel for the petitioner contends that in a case based on circumstantial evidence, the petitioner has now been in custody for more than a year having been arrested on 02.01.2024. While drawing the attention of this Court to the FIR, which has been reproduced in the body of the petition, learned counsel has contended that the complainant (wife of deceased Sanjay) had alleged that co-accused Mukesh had called on the mobile phone of her deceased husband asking about his whereabouts; thereafter late in the evening, the deceased left the house. Since he did not return home in time, the complainant along with her brother-in-law went looking for the deceased and learnt from some sources that there had been some quarrel

between her husband and some persons, in which her husband had been fatally injured. Learned counsel contends that neither was any whisper raised qua the involvement of the petitioner in the crime in question nor is it the case of the prosecution that the petitioner inflicted any injury much less fatal on the person of the deceased. It has been submitted that the only role, which has been attributed to the petitioner, is that he had held the deceased by his arms while co-accused Ajay inflicted the fatal knife blows into his abdomen. It has been further argued that the name of the petitioner surfaced only in the disclosure statement made by co-accused Ajay and Mukesh, however, therein also, other than his presence being shown with the co-accused, no other role had been attributed to the petitioner. Learned counsel has argued that although it is a case resting on circumstantial evidence, no specific motive has been ascribed to the petitioner to conspire with the co-accused to carry out the murder in question. A prayer has, therefore, been made to enlarge the petitioner on bail as all the material witnesses stand examined, however, eight prosecution witnesses still remain to be examined, therefore, the possibility of the trial concluding in the near future does not arise.

3. *Per contra*, learned standing counsel, while opposing the prayer and submissions made by the counsel opposite, has not disputed the contentions made by the counsel opposite with respect to the factual aspect of the role attributed to the petitioner. It has also not been disputed that other than the disclosure statement of the co-accused nominating the petitioner in the crime in question, wherein also other than his presence being shown with them, no injury has been attributed to him. However, learned State counsel has submitted that the next date

of hearing is 15.04.2025 when some more of the remaining eight prosecution witnesses have been summoned. Learned standing counsel, on further instructions, has submitted that during interrogation of the co-accused, it surfaced that the deceased had been done to death by the co-accused since he had failed to procure heroin for them in lieu of ₹2,800/-, which had been given to him.

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

5. The petitioner has been in custody since 02.01.2024. The petitioner, as also not disputed by the learned standing counsel, on instructions, has not been attributed any injury much less fatal on the person of the deceased. The only role attributed to him is of having held the deceased with his arms when he was assaulted by the co-accused. As per the custody certificate filed, the petitioner is not shown to be involved in any other criminal case.

6. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail 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.

April 4th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No