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

CRM-M-53031-2024 (O&M)

Date of decision: 13.01.2025

Sawan Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Mohan Singh Rana, Advocate,
for the petitioner.

Mr. Yuvraj Shandilya, AAG, Haryana.

MANJARI NEHRU KAUL, J.

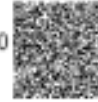
1. The petitioner is seeking concession of regular bail under Section 483 BNNS in case FIR No.286 dated 22.07.2022 under Sections 302, 201, 34 of IPC registered at Police Station Matlauda, District Panipat, Haryana.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 26.07.2022 in a case resting on circumstantial evidence. Learned counsel has asserted that the alleged motive to commit murder of Kuldeep (here-in-after referred to as "deceased") was the petitioner's alleged illicit relationship with the wife of the deceased. Learned counsel has submitted that as per the case of the prosecution, deceased was last seen by PW Neeraj, in the company of the petitioner soon before he went missing. However, it is a matter of record that this material witness PW Neeraj while stepping into the witness box as PW-1 had not supported



the case of the prosecution as a result of which, he was declared hostile. In support, learned counsel has drawn the attention of this Court to Annexure P-2. It has also been submitted that other than this witness of last seen, the petitioner was being linked to the murder of the deceased on the basis of the recovery of a brick with which the deceased assaulted. However, it has been submitted that this brick was recovered from an open and much frequented public place many days after the alleged murder. A prayer, therefore, has been made to extend the concession of bail to the petitioner since the most material witness in the present case i.e. PW-1 Neeraj has not only been examined but has also been declared hostile. Hence, there can be no risk of the petitioner tampering with evidence or intimidating/ influencing the witnesses.

3. Per contra, learned State counsel while opposite the prayer and submissions made by the counsel opposite, on instructions, has not disputed that the petitioner has been in custody since 26.07.2022 and the most material witness, PW-1 Neeraj, whose testimony has been annexed as P-2, did not support the case of the prosecution and was declared hostile. However, learned State counsel, on instructions, has submitted that the petitioner was in an illicit relationship with the wife of the deceased, who too is an accused in the present case which precisely was the motive to commit the murder of the deceased. It has been further submitted that two injuries were found on the person of the deceased, which could possibly have been inflicted with the brick, recovered pursuant to a disclosure statement suffered by the petitioner as per the Doctor. Learned State counsel has, however, not disputed that one of the co-accused Deepak, who was also



allegedly present with the petitioner and the deceased on the fateful day, had since been extended the concession of bail by a Co-ordinate Bench of this Court vide order dated 21.02.2024 passed in CRM-M-3345-2024, annexed as Annexure P-3.

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

5. The petitioner has been in custody for more than 2½ years having been arrested on 26.07.2022. The most material witness in the present case i.e. PW-1 Neeraj has not only been examined but did not support the case of the prosecution. As many as 20 prosecution witnesses remain to be examined. Hence, the possibility of the trial concluding in the near future looks remote.

6. In the facts and circumstances as enumerated here-in-above, 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 here-in-above shall not be construed to be an expression of opinion on the merits of the case.

13.01.2025

Satyawan

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No