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

**CRA-S-4173-2024**

**Date of Decision:29.04.2025**

Kamaldeep Singh alias Kamal

...Appellant

vs.

State of Haryana and another

...Respondents

**Coram :** Hon'ble Mr. Justice N.S.ShekhawatPresent : Mr. Naresh Soni, Advocate  
for the appellant.

Mr. Gurmeet Singh, AAG, Haryana.

Ms. Sweta Beniwal, Advocate for  
Mr. Aman Pal, Advocate  
for the complainant.

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**N.S.Shekhawat J. (Oral)**

1. The appellant has filed the present appeal against the impugned order dated 15.06.2023 passed by the Court of Additional Sessions Judge, Ambala in case FIR No. 50 dated 16.03.2021 under Sections 302, 201, 34 of IPC and Section 3 of SC/ST Act, registered at Police Station Shahzadpur, District Ambala, whereby, the bail application under Section 439 Cr.P.C. filed by the present appellant was ordered to be dismissed.

2. The FIR in the present case was registered on the basis of the statement made by Ashok Kumar son of Lajja Ram and the same has been reproduced below:-

*“Statement of Complainant Ashok Kumar s/o Sh. Lajja Ram  
Caste Ramdasia resident of village Dhana Police Station*



*Shahzadpur District Ambala aged 46 years Phone No. 9812063651. Stated that I am resident of above mentioned address and I am working as contractor in PWD Shahzadpur. I have two sons namely Anil Kumar, aged 23 years and younger than him Rahul, aged 21 years, My elder son Anil Kumar was working in Paras Hospital, Panchkula. He daily 6 a.m. in morning used to go on his motorcycle bearing registration No. HR 04E4243 make Hero Splendor Plus of silver colour and used to come home at evening on his motorcycle. My son Anil Kumar alongwith his friends Mahi Pal son of Labh Singh, Mohit s/o Krishan Lal resident of Tasdoli Police Station Panjokhara District Ambala and the Manager of Paras Hospital, Panchkula had taken a room on rent at Panchkula. My son Anil Kumar stays at that room in emergency. On 14.03.2021, my son as per his daily routine went on his duty on his motorcycle at 6.00 a.m. and did not return back in the evening. After waiting for long in evening at around 8.15 p.m., I made a phone call to my son and has talks with him who told me that he will be late and if possible he will return back, otherwise he will stay in the rented room at Panchkula and will return to his home on next day after duty hours. On 15.03.2021 at about 5.30 p.m. I again made a phone call on my son's phone but his mobile phone was coming switched off. Thereafter, I made phone calls to friends of my son Anil Kumar and disclosed that Anil Kumar had not come to home yet, than his friends told me that on 14.03.2021, Anil Kumar had gone on the motorcycle of Mahi Pal after duty hours. On 15.03.2021 at about 9.00 p.m., I informed Sarpanch of the village that my son Anil Kumar had not come to the house since yesterday, who told that you wait for tonight we will inform to the police next morning. Today on 16.03.2021, I was coming to Police Station Shahzadpur for informing about the same and I received the phone call of my younger son Rahul Kumar that a dead body is lying in the forest of Shahzadpur and asked me to*



*reach there, upon which I and Sarpanch went to forest, Shahzadpur and saw that the clothes worn by the dead body are of my son Anil Kumar. I identified my son Anil Kumar's dead body from his physique and clothes and nearby to his dead body a Motorcycle No.HR 04G-7013 make CD Delux of Red and Black Colour was standing. There at a little distance mobile phone of my son Anil Kumar was also lying which was broken. We found that there are wounds on mouth, neck and right side chest of my son. About two years ago, family members of Sajjan Singh alongwith goons had given miserable beating to my son Anil Kumar and in this regard, family settlement took place. Now we came to know that my son Anil Kumar was chatting with Aman daughter of Dhanana on her mobile number 9053188917 on 'Whatsapp'. Because of this whatsapp chat and also due to previous grudge, I have an apprehension that my son Anil Kumar had been murdered by son of Pale, Rinku, Manish Kumar s/o Suresh Kumar, Shanky s/o Chandu, Gaurav s/o Sajjan and Chandu s/o Gyan Chand and in order to destroy the evidence/proof, dead body of my son had been thrown in forest and his face had been damaged. I pray that those who has caused death of my son legal action be taken against them. I have got recorded my statement and listened the same which is correct. Sd/ Ashok Kumar, dated 16.03.2021.”*

3. Learned counsel for the appellant contends that Rinku, Manish Kumar, Shanky, Gaurav and Chandu were initially named in the FIR, however, the appellant was neither named in the FIR nor any physical description of the appellant was mentioned. Later on, Himanshu, main accused was arrested by the police and name of the appellant surfaced in the said statement. Learned counsel for the appellant further contends that as per the said disclosure



statement, the appellant and Sumit Sharma, co-accused had caught hold of Anil Kumar, since deceased, while injuries were caused by Himanshu, main accused. Learned counsel further contends that Sumit Sharma, almost similarly placed co-accused, has already been granted the concession of bail, vide order dated 03.12.2024 passed by this Court in CRA-S-2545-2024 (Annexure P-9). On parity, the appellant is entitled to grant the concession of bail by this Court.

4. On the other hand, learned State counsel assisted by learned counsel for the appellant have vehemently opposed the submissions made by learned counsel for the appellant on the ground that serious allegations have been levelled against the present appellant and he does not deserve the concession of bail by this Court.

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

6. The appellant was arrested in the present case on 18.03.2021 and is in custody since then. It is apparent from the order dated 03.12.2024 (Annexure P-9), similarly placed co-accused, namely, Sumit Sharma has already been admitted to bail by this Court. Thus, no purpose will be served by keeping the appellant behind bars.

7. Thus, without commenting on the merits of the case, the present appeal is allowed and the appellant is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned subject to the following conditions:-

- (i) The appellant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.



(ii) The appellant shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The appellant shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The appellant shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(v) The appellant shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the appellant involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move a petition for cancellation of bail granted to him.

(vii) The concerned Court may insist two heavy local surties and may also impose any other condition, in accordance with law, while accepting the bail bonds and surety bonds of the appellant.

(viii) The appellant shall report every 1st Monday in English calander month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the Rojnamcha. In case, he does not report on every 1st Monday before the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the State of Haryana shall be at liberty to move an appropriate application in this regard.

**(N.S.SHEKHAWAT)**  
**JUDGE**

**29.04.2025**  
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Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No