



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

CRM-M No.55847 of 2024

Amit **Petitioner**

Versus

State of Haryana **Respondent**

CRM-M No.58385 of 2024

Ankit **Petitioner**

versus

State of Haryana **Respondent**

CRM-M No.58477 of 2024

Dinesh Kumar **Petitioner**

versus

State of Haryana **Respondent**

Date of Decision: 23.01.2025

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Rakesh Kumar Lathwal, Advocate
for the petitioner in CRM-M No.55847 of 2024.

Ms. Neeru Bansal, Advocate
for the petitioner in CRM-M-58385-2024.

Mr. Aakash Dalal, Advocate
for the petitioner in CRM-M-58477-2024.

Mr. Vijesh Sharma, Addl. A.G., Haryana assisted by
SI Manoj Kumar.

Mr. Keshav, Advocate for
Mr. Sahil Goel, Advocate
for the complainant (through video conferencing).



RAJESH BHARDWAJ, J. (ORAL)

1. Present petitions have been filed praying for the grant of regular bail to the petitioners in case bearing FIR No.209, dated 23.06.2023, under Sections 302, 34 of Indian Penal Code, 1860 (Sections 148, 149, 323, 364, 120-B of Indian Penal Code, 1860 and Section 25 of Arms Act, 1959 added later on), registered at Police Station Bahalgarh, District Sonipat (Haryana).

2. Succinctly the facts of the case are that the FIR in the present case was registered on the basis of the complaint lodged by the complainant, namely, Renu, who was the wife of deceased, Jitender @ Kalu. It was alleged that her husband, Jitender @ Kalu was 45 years of age and was running a fruit cart at Bahalgarh. On 23.06.2023, about 10-11 hours, he left home on his motorcycle bearing registration No.HR-10AQ-7706. It was alleged that at about 3.30 to 4.00 p.m., they received an information that Jitender @ Kalu was lying dead behind FIMS Hospital. On receiving the information, she along with the family members reached at the informed spot and saw her husband, Jitender @ Kalu lying dead in a pool of blood. She came to know that her husband, Jitender @ Kalu was with Ankush and Ravi and they committed the murder of her husband by giving him injuries with sharp edged weapon. The motive behind it was that Ankush took a loan of Rs.50,000/- from her husband before 20 days. Though he assured to return the money within 2-4 days but he was not returning the money and on asking for the same, he threatened to kill her husband which he did in conspiracy with other accused. The request was made to take the legal action against the



accused. On registration of the FIR, the investigation commenced and name of the petitioners surfaced during the investigation. Petitioner, namely, Amit was arrested on 24.06.2023, petitioners, namely, Ankush and Dinesh were arrested on 10.10.2023. They approached the Court of learned Additional Sessions Judge, Sonapat praying for the grant of regular bail. However after hearing both the sides, finding no merit in the same, the learned Additional Sessions Judge, Sonapat declined the petitions filed by the petitioners vide separate orders dated 30.10.2024, 03.05.2024 & 29.10.2024, respectively.

3. It has been contended by learned counsel for the petitioners that the petitioners are neither named in the FIR nor there is any evidence regarding them. They submitted that the petitioners have been arrested in this case on the basis of presumptions and assumptions especially on the basis of disclosure statement of co-accused, which is not an admissible evidence. It has been submitted that as per the case of prosecution itself, the dead body of Jitender @ Kalu was found lying behind FIMS Hospital and thus there is no eye witness in this case. They submitted that even otherwise as per the case of prosecution, no overt act has been attributed to the petitioners rather counsel for the petitioners submitted that a false recovery was planted upon the petitioners whereas learned counsel for the petitioner, namely, Amit has submitted that neither the petitioner caused any injury to the deceased nor there is recovery of any weapon effected from him. He has further submitted that the petitioner has been alleged to have given slap blows to the deceased and recovery of mobile phone has been planted upon him. They submitted that the petitioners had



no motive for causing the alleged murder of deceased, Jitender @ Kalu. It has been submitted that co-accused, namely, Pankaj and Jatin have already been enlarged on bail by this Court vide order dated 22.10.2024. It has been submitted that the petitioners are behind bars from the last about 1 ½ years and till date, there is no progress in the trial. They have also submitted that the petitioners have no criminal antecedents. It has been further submitted by learned counsel for the petitioners that in the overall facts and circumstances of the case, the petitioners deserve to be granted anticipatory bail.

4. Learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioners. He has drawn the attention of this Court to the status report filed by way of an affidavit of Ajit Singh, HPS, Assistant Commissioner of Police, Murthal, District Sonipat. It has been submitted that on finding the dead body, the FIR was registered on the basis of the statement of wife of the deceased, namely, Renu. He has submitted that during the investigation, the complicity of the petitioners was duly established on the basis of the disclosure statement of co-accused. He has submitted that the petitioners were part of unlawful assembly, who duly participated in causing the murder of deceased, Jitender @ Kalu, along with the co-accused. It has been submitted that during the investigation, petitioner, namely, Amit got recovered the motorcycle used in the offence and a mobile phone was also recovered from him. He has further submitted that the petitioner, namely, Ankit, also gave beatings to the deceased, Jitender @ Kalu, with kick blows. He has further submitted that petitioner, namely, Dinesh also



gave injuries with kick blows to the deceased, Jitender @ Kalu and a mobile phone was recovered from him. He has submitted that on analyzing the call detailed report (CDR) and ID CAF, complicity of the petitioners was established. He has produced the custody certificate of all the petitioners. He has submitted that out of 21 prosecution witnesses, 04 have been examined. He has thus submitted that no case is made out for granting bail to the petitioners and hence the present petitions deserve to be dismissed.

5. The Court has heard learned counsel for the parties and perused the record with their able assistance.

6. It has been deciphered from the facts and circumstances that the alleged occurrence had taken place on 23.06.2023. The body of husband of the complainant was found. On registration of the FIR, the investigation commenced. During the investigation, on the basis of disclosure statement of co-accused, the petitioners were arrayed as an accused in the present case. The recovery of motorcycle and mobile phone was effected from Amit, so far as from Ankit, no recovery was made, however from Dinesh, mobile phone was recovered. The fatal injuries alleged to have been caused to the deceased are not attributed to the petitioners. Co-accused, namely, Pankaj and Jatin have already been enlarged on bail by this Court vide order dated 22.10.2024. Custody certificate of the petitioners would show that they are behind bard from last about 1½ years. It further reveals that they are not involved in any other case and thus, have no criminal antecedents. Out of 21 prosecution witnesses, 04 have been examined till date.



7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

8. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioners succeed in making out a case for the grant of bail. Accordingly, the present petitions are allowed and the petitioners are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

9. A photocopy of this order be placed on the file of each connected case.

23.01.2025

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**(RAJESH BHARDWAJ)
JUDGE**

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