



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.31420 of 2024
Date of decision: 02.09.2024

MANISH
.... Petitioner
Versus
STATE OF HARYANA
.... Respondent

CORAM: HON’BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Rajesh Dhankar, Advocate for the petitioner.

Mr. Neeraj Poswal, A.A.G., Haryana.

Mr. Karan Singh, Advocate for the complainant.

MANISHA BATRA, J. (oral)

1. The present petition has been filed under Section 439 of Cr.P.C.
seeking regular bail in the FIR mentioned below:-

FIR No.	Date	Police Station	Sections
699	02.11.2022	Bhiwani Sadar, District Bhiwani	120-B, 148, 149, 302, 341 of IPC, 1860 (Sections 114, 201, 404, of IPC, 1860 added during investigation)

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 02.11.2022, on receipt of an information regarding dead body of one person lying in the fields, a police party rushed towards the spot, where the complainant- Pinky wife of the deceased Surinder Singh was found present who submitted a written complaint alleging therein that on the evening of 31.10.2022, an altercation had taken place between her husband and Rajesh and Ajay both sons of Sajram and one Bijender@ Bali, while he (her husband) was working in his fields. On 01.11.2022, her husband had gone to the fields on his motorcycle. At about 11:00 PM, she received information about the dead body of her husband lying therein and on reaching at the spot, marks of



injuries on husband's corpus wer found. She prayed for taking action against the culprits. After registration of FIR, investigation proceedings were initiated. Inquest proceedings were also conducted. Footages from the CCTV camera installed in the vicinity were collected showing the victim entering into his fields on the night of 01.11.2022. The accused Naresh, Rajesh and Bijender@Bali were arrested on 04.11.2022. They suffered disclosure statements admitting their involvement in the subject crime and demarcated the place of occurrence. The accused Naresh and Rajesh suffered disclosure statements admitting their involvement in the subject crime and also about complicity of the present petitioner. In pursuance of their disclosure statements, the above named three accused also got effected recovery of incriminating material. Offences under Sections 114, 201, 314 and 405 of IPC were added. The present petitioner was arrested on 08.11.2022. He too, suffered disclosure statement thereby, admitting that he along with the co-accused who formed membership of unlawful assembly in prosecution thereof, had assaulted the victim and killed him.

3. As per the further allegations, the call detailed record of the accused was also obtained revealing that the accused Manoj @ Moza and Naresh had given telephonic information regarding the presence of the victim in office on the fateful day to the present petitioner who along with other accused had gone there and had committed murder of the victim and then had thrown his dead body into the field of one Hawa Singh. Investigation has since been completed. The challan stands presented and the petitioner along with co-accused is facing trial for commission of the aforementioned offences. He had moved an application for grant of regular bail which was dismissed by the



Court of learned Additional Sessions Judge, Bhiwani vide order dated 19.04.2023.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statements of the co-accused which cannot be considered to be legally admissibly. No one had seen him while committing murder of the victim. In fact, there is no eye witness to the occurrence. No specific injury on the person of the victim has been attributed to him. The co-accused Bijender @ Bali, Naresh and Manoj @Moza whose case was on same footing, have been extended benefit of bail. Trial is likely to take time. On the ground of parity, he deserves to be extended benefit of bail. Therefore, it is urged that the petition deserves to be allowed.

5. Status report filed on behalf of the respondent-State is taken on record. Copy of the same has been supplied to counsel opposite.

6. *Per contra*, it is argued by learned State counsel assisted by learned counsel for the complainant that there are serious allegations against the petitioner as he formed membership of an unlawful assembly along with co-accused and in prosecution of common objection of that unlawful assembly, he along with them had committed murder of the victim. In fact, he was the precipitator of the crime as he had inimical relations with the victim. On the fateful day, he had reached at the place of occurrence on information given by the co-accused and committed the murder of the victim. It is argued that the record of the call made by one Lilu to the petitioner has been retrieved which shows that on his mobile phone, witness Suresh Kumar had a conversation with the petitioner and the petitioner had told him that he had finished the victim and his dead body was lying in the land of the Hawa Singh and that he



had extended many blows with *danda* to the victim to take revenge of insult of his father that had been made by the victim. While submitting that the case of the petitioner could not be treated at parity with the co-accused as his complicity in the subject crime stands established from call detail record also, it is argued that the petition does not deserve to be allowed.

7. I have heard learned counsel for the parties at considerable length.

8. The petitioner along with the co-accused is alleged to form membership of an unlawful assembly and in pursuance of the same, he is alleged to have committed murder of the victim along with co-accused by giving injuries to him repeatedly with a *danda*. Call detail record of the conversation made between the petitioner and the Suresh Kumar, co-villager shortly after the incident has been collected during the course of investigation as per which, the petitioner had admitted his involvement in the murder of the victim. The allegations against the petitioner are quite serious in nature. The trial is going at proper pace. There is nothing on record to show that there would be any undue delay in conclusion of the same. In view of the discussion as made above, the petitioner can not be claim to be at parity with the co-accused. Keeping in view the nature of the allegations as levelled against him, the quantum of sentence which the conviction may entail and the attendant facts and circumstance but without commenting on the merits of the case, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

02.09.2024
Jyoti-IV

(MANISHA BATRA)
JUDGE

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