

**CRM-M-33797-2015 (O&M) and
CRM-M-34226-2015 (O&M)**

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

**1. CRM-M-33797-2015 (O&M)
Date of Decision: October 08, 2015**

Manish

.....Petitioner

Versus

State of Haryana

.....Respondent

2. CRM-M-34226-2015 (O&M)

Joginder alias Sheelu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

- 1. *Whether Reporters of local papers may be allowed to see the judgment ?***
- 2. *To be referred to the Reporters or not ?***
- 3. *Whether the judgment should be reported in the Digest?***

Present: Mr.Rajesh Bansal, Advocate
for the petitioner (in CRM-M-33797-2015).

Mr.Gautam Dutt, Advocate
for the petitioner (in CRM-M-34226-2015)

Mr.Pawan Gaur, DAG, Haryana.

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NARESH KUMAR SANGHI, J.(ORAL)

The present common order shall dispose of the above
captioned two regular bail petitions filed under Section 439,
Cr.P.C., by Manish, son of Raj Kumar, resident of Opposite BDO

Office, Israna, District Panipat, (CRM-M-33797-2015) and Joginder alias Sheela, son of Balbir, caste Jat, resident of village, Balana, P.S.Israna, District Panipat (CRM-M-34226-2015), who have been booked for having committed the offences punishable 120-B, 148, 216 and 302 read with Section 149, IPC, in a case arising out of FIR No.148, dated 28.06.2013, registered at Police Station, Israna, District Panipat.

Learned counsel for the petitioners submit that the informant in the present case is Sandeep, who is brother of Pardeep (since deceased). As per First Information Report (FIR), three days prior to 27.06.2013, Jasmer, co-accused of the petitioner(s), was constructing a drain in the panchayat land and when the said drain had reached up to the land belonging to the informant side, then Pardeep (since deceased) objected to the construction of the drain in his land.

On 27.06.2013, in the evening, i.e. after three days of the previous incident, Pardeep (since deceased) was encircled by approximately twenty persons and caused injuries. The informant, Sandeep, received the information on mobile phone and reached at the spot near Arya Samaj Mandir and witnessed the occurrence. One Vikram had also arrived at the spot after the incident. With the help of Vikram, Sandeep carried Pardeep to Prem Kumar Hospital at Panipat. Due to injuries received

Pardeep had ultimately died. On the next day, i.e. 28.06.2013, the matter was reported to the police in which the petitioner(s) were not named as assailants.

Learned counsel representing the petitioner(s) submits that except his (Manish) disclosure statement in the shape of confession, and disclosure statement of his co-accused Naveen, there is no evidence to connect the petitioner(s) with the murder of Pardeep. They further pointed out that in pursuance of the disclosure statement suffered by the petitioner, Manish, a mobile phone was recovered but the said recovery would not connect him (petitioner-Manish) with the murder of Pardeep (since deceased). They further pointed out that all, except two prosecution witnesses, have already been examined, therefore, releasing of the petitioner(s) on bail would not, in any manner, be prejudicial to the interest of the prosecution. They further pointed out that vide order dated 17.09.2015, Naveen, Pawan Kumar and Anil @ Kala, the co-accused of the petitioner(s) have been granted bail. It was also pointed out that the persons, who were named as assailants by the brother of the deceased have been declared innocent.

Learned counsel for the State has not controverted the factual aspect that the petitioners were not named by Sandeep while lodging the FIR.

I have heard the learned counsel for the parties and with their able assistance gone through the material available on record.

It is not disputed that while lodging the FIR by Sandeep, brother of the deceased, the names of the petitioners were not mentioned as assailants; except the disclosure statement of petitioner -Manish and his co-accused Naveen, there is no other evidence to connect them with the murder of Pardeep. The admissibility of the disclosure statements suffered by petitioner-Manish and his co-accused Naveen would be a moot point during trial. The similar situate co-accused of the petitioners have already been granted bail by this Court vide order dated 17.09.2015. Therefore, the present petitions are allowed. Petitioners Manish, son of Raj Kumar, resident of Opposite BDO Office, Israna, District Panipat, and Joginder alias Sheela, son of Balbir, caste Jat, resident of village, Balana, P.S.Israna, District Panipat, are directed to be released on bail during pendency of the trial of the present case subject to furnishing bonds in the sum of ₹1,00,000/- (Rupees one lac only) with two sureties of the like amount by each petitioner, to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Panipat.

If the petitioner(s) in any manner threaten the prosecution witnesses or do not cooperate in disposal of the trial

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of the present case, the prosecution or the informant shall have liberty to move this Court for withdrawal of the concession of bail granted to the petitioner(s).

A copy of this order be placed on the file of connected petition.

October 08, 2015
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(NARESH KUMAR SANGHI)
JUDGE