

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-18743 of 2016

Date of decision: December 16, 2016

Manoj

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Rajeev Kawatra, Advocate for the petitioner.

Dr. Sushil Gautam, DAG, Haryana.

Rajan Gupta, J.

This is a petition under Section 439 Cr.P.C. seeking regular bail in a case registered against the petitioner under Sections 148, 149, 302, 323, 120-B IPC and 25/54/59 of Arms Act, at Police Station Samalkha, District Panipat, vide FIR No.02 dated 01.01.2014.

Learned counsel for the petitioner has submitted that there has been a change of circumstances. The petitioner is in custody for more than two years. He is post graduate in Political Science and his career is going to be spoiled in jail. Moreover, he has not been named in the FIR and was arrested on the disclosure statement of co-accused Lalit.

Plea has been opposed by learned State counsel. He has submitted that out of total 43 witnesses cited by the prosecution, ten have been examined and nine have been given up and remaining witnesses have been summoned for 26.12.2016. He has further submitted that on the date of occurrence, petitioner was following the deceased in his car.

Call details of Manoj (petitioner herein), Mohit and Shashi match with each other. Thus, petitioner was intimately connected with the commission of crime. Besides, petitioner has been involved in thirteen other criminal cases.

FIR was lodged on the basis of complaint made by Jai Bhagwan son of Jagan Nath on 01.01.2014. Accused encircled Neeraj and caused injuries to him with their respective weapons, resulting in his death. Role of petitioner is that he followed deceased on the date of occurrence upto Panipat and he was in touch with the co-accused, when crime was committed. It was he, who informed the other accused about whereabouts of the deceased. Due to this, they were able to zero down on Neeraj deceased and kill him. Trial of the case is in progress as ten witnesses have already been examined. Nine PWs have been given up by the prosecution.

Keeping in view facts and circumstances of the case and the punishment it would entail in the event of conviction for commission of offence, I am of the considered view that petitioner is not entitled to concession of bail at this stage.

Dismissed.

Nothing said herein above, shall be considered to be an expression of opinion by this court on the merits of the case.

(RAJAN GUPTA)
JUDGE

December 16, 2016
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No