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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38655-2019
Date of decision-16.09.2019

Manoj @ Sethi

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sanjay Vashisth, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana assisted by
ASI Kailash.

MANOJ BAJAJ, J.

Petitioner-Manoj @ Sethi has prayed for grant of regular bail in case FIR No.23 dated 26.01.2014 registered under Sections 302 and 201 read with Section 34 Indian Penal Code, 1860 at Police Station Bhupani, District Faridabad. He is in custody since his arrest on 17.10.2018.

The FIR was registered on the basis of the statement given by Deepak son of Virender wherein it was mentioned that on 25.01.2014, while playing the cricket, the ball went into a pit and when he went to pick the ball, the human skeleton was seen in the pit and he informed the Police.

Learned counsel for the petitioner contends that there is nothing to connect the petitioner with the alleged crime as the identity of the victim is yet to be established. He submits that only skeleton was noticed by the

informant whereupon the petitioner has been indicted along with his co-accused, Monty and Sunil. He submits that the prosecution has relied upon statement of one witness, namely, Puneet recorded on 17.10.2018 (Annexure P-3) under Section 161 Cr.P.C wherein it was mentioned that on 25.01.2014, when he was sitting after playing, in the ground, he saw Monty and Sunil who were holding Deepak @ Kaku (victim) and brought him to the ground while walking. Manoj @ Sethi (petitioner) was walking behind them who called complainant, however, he refused. It was further stated by the said witness that Montu and Sunil after picking bricks and stones started hitting head of Deepak @ Kaku.

Learned counsel for the petitioner submits that the case set up by prosecution is highly improbable much less against the petitioner, who admittedly did not cause any injury to the alleged victim. He submits that his involvement is otherwise seriously doubtful, because as per the version of the said witness Puneet itself, if the petitioner was to participate in the crime, there was no reason for him to call him. According to him, the petitioner is in custody since for the last approximately last one year.

On the other hand, learned State counsel assisted by ASI Kailash opposed the bail application on the ground that the petitioner was involved with his co-accused. However, it is not disputed that the identity of the victim is yet to be established, as FSL report is awaited in that regard. It is also not disputed that the petitioner was not attributed any act much less causing injury to the victim which were attributed to the co-accused. He submits that charges were framed on 05.03.2019 and the prosecution has

examined 13 prosecution witnesses out of total 33 witnesses.

At this stage, learned counsel for the petitioner submits that the material witnesses have been examined and all the witnesses are official witnesses, therefore, further custody of the petitioner may not be necessary.

Considering the above background, custody period of the petitioner and the fact that the trial of the case is likely to consume considerable time, this Court does not find any valid reason to detain the petitioner any further in custody. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Faridabad.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

16.09.2019
vanita/Janki

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No