

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

CRM-M-44477-2020 (O&M)

Date of decision: 18.12.2020

Manoj

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Mohit Sadana, Advocate for
Mr. Arjun Atri, Advocate for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This petition for regular bail has been filed by petitioner Manoj, an accused in FIR No.183 dated 29.05.2019, for offences under Sections 302, 397, 120B IPC and Section 25 of Arms Act, registered with Police Station City Gurugram

Briefly stated facts of the case as per prosecution story are that on 28.05.2019 at about 9.00 PM, while Sudhir Taneja was leaving his shop situated at Sadar Bazar, Gurugram on his Activa scooter, in the meanwhile 3-4 persons with muffled faces fired shots at him and took away bag containing money and documents along with Activa scooter of Sudhir Taneja. Sudhir Taneja had succumbed to the injuries. On matter being reported to the police, formal FIR was registered. Investigation in

the case started. CCTV footage from the shop of Baba Garments was observed and some suspects were found making reconnaissance around the shop of deceased. Suraj Kataria @ Chotu, Manoj Kumar @ Monu (present petitioner), Suraj son of Bishan Kumar were nominated in this case and they were arrested on 15.06.2019. After completion of investigation and other formalities, the challan against the accused was filed in the Court. The trial against them is going on.

Petitioner/accused had filed a petition for grant of regular bail before Court of Sessions at Gurugram, which was dismissed by Addl. Sessions Judge, Gurugram, vide order dated 10.10.2019. As such, he has approached this Court, craving for grant of similar relief, which request is being opposed by learned State counsel.

I have heard learned counsel for the parties besides going through the record.

As per prosecution story, the petitioner had done reconnaissance of the spot before the actual shooters came and fired at deceased, snatching his bag containing money and other documents, besides his Aactiva scooter. The involvement of the petitioner was found on the basis of CCTV footage taken out from CCTV camera in the neighbourhood of the place of occurrence. The investigation of the case also showed involvement of the petitioner in the incident. The petitioner cannot take advantage of the facts that he had not actually fired at the deceased or no recovery had been effected from him. He comes out to be an important part of the conspiracy for commission of the incident. The trial against the accused is going on. As informed by the State counsel,

the prosecution has examined 07 PWs. The trial is likely to be concluded in near future, since, though for some time, working of the Courts had been affected on account of outbreak of pandemic COVID-19 but as per direction of the High Court, the physical hearings in the Courts at district level have got resumed. The guilt of the petitioner shall be determined during the trial. The apprehension expressed by learned State counsel that the petitioner may try to abscond or give threat or inducement to the prosecution witnesses, if released on bail cannot be brushed aside lightly. Thus, considering the facts and circumstances of the case, no case for grant of regular bail to the petitioner is made out. The petition being without merit stands dismissed.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

18.12.2020

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(H.S. MADAAN)
JUDGE

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