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

(Through video-conferencing)

**CRM-M No.32360 of 2021
Date of Decision: 18.08.2021**

DEEPANSHU @ NAHNU

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Ramnish Puri, Advocate
for the petitioner.

Mr. Amrik Singh Narwal, D.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.81 dated 23.06.2019, registered under Sections 302, 34 IPC (Section 120-B IPC deleted later on) and Section 25 (Section 27 added later on) of the Arms Act at Police Station Mohana, District Sonapat.

As per prosecution story, the FIR was lodged by the complainant Manjeet with the allegations that his brother Sanjeet had gone to *Shani* Temple for distributing *prashad*. The complainant had also gone there. When the complainant was

returning after coming out of the Temple, he saw three young boys entering the Temple. One boy was Sandeep, who was having a pistol in his hand. He was accompanied by two more unknown boys. The complainant can identify those unknown boys, if they are produced before him. Both the boys raised *lalkara* and exhorted Sandeep to kill Sanjeet. Thereafter Sandeep fired a shot upon Sanjeet, who fell down. The complainant raised alarm which attracted his cousin brother and other people at the spot. Sandeep and his accomplices ran away from the spot. Sanjeet was brought to the Hospital where he was declared brought dead.

The complainant further alleged that prior to the occurrence in question, Sandeep and his father Lilu and uncle Satish @ Sunda had some dispute when they came to the house of the complainant and exchanged hot words. They gave threats to Sanjeet and thereafter in a conspiracy Sandeep and his accomplices had murdered Sanjeet.

Learned counsel for the petitioner relies upon the order dated 13.08.2020 passed in CRM-M No.21255 of 2020 titled '*Gagandeep vs. State of Haryana*', who was a juvenile i.e. a child in conflict with law. His role was at par with the petitioner. Grant of bail to juvenile under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, may be on different

parameters, but the complainant Manjeet and eyewitness Manoj have appeared as PW-1 and PW-2 before the trial Court on 23.07.2021 and have not supported the case of the prosecution. Their cross-examinations did not yield any incriminating information against the petitioner.

Learned counsel further submits that since the complainant and eyewitness have not supported the case of the prosecution, therefore, there are bleak chances of conviction of the petitioner in the trial. Even otherwise no specific role has been assigned to the petitioner. The main role is attributed to Sandeep, who is also in custody. Out of total 26 prosecution witnesses, only 2 witnesses have been examined so far. Trial of the case may take some time in its culmination.

The factual position of the case could not be disputed by the learned State counsel on instructions from the Investigating Officer, however he opposed the bail on the ground that the petitioner has also participated in this heinous crime.

Looking to the aforesaid facts and in view of the situation arising out due to COVID-19 pandemic, I deem it appropriate to enlarge the petitioner on regular bail, without advert to the merits of the case,

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing

adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

August 18, 2021	(RAJ MOHAN SINGH)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No