

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

**CRM-M No.9466 of 2022 (O&M)
Decided on: 29.11.2022**

Manish

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. N.K. Malhotra, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.44 dated 10.02.2021 registered under Sections 302, 328, 404, 506, 201, 120-B of the Indian Penal Code, 1860 (in short 'IPC') at Police Station IMT, Rohtak, District Rohtak.

Counsel for the petitioner has argued that, as per the allegations in the FIR, registered at the instance of the complainant Rajender Singh, it is stated that his son Sandeep was in the business of supplying Milk. He was married to co-accused Murti, who had tried to kill him in January, 2013 by giving electric current but later on, the matter was compromised. It is further stated that on the date of incident, Murti has committed the murder of his son Sandeep.

Counsel for the petitioner has further submitted that during the investigation, Murti was arrested on 12.02.2021 and she made a disclosure statement to the effect that she is having a love affair with co-accused Vikas @ Sanju s/o Ram Karan and he used to visit her house. During this time, she developed a love relationship with his younger sister Geeta and they started talking to each other and when her husband Sandeep came to know about this fact, he started giving

beatings to her. Geeta had come to her house for the last many days and Murti, Geeta along with Vikas @ Sanju made a plan to kill Sandeep and on the night of 27/28.01.2021, she along with her sister Geeta gave sleeping pills in the Milk to Sandeep. After consuming the same, Sandeep became unconscious and as per the plan, Vikas @ Sanju along with his friend Manish (petitioner herein) came to their house and they committed murder of Sandeep. Thereafter, they had taken the dead body of Sandeep in a Maruti van and by parking the same on road side, they put the van on fire.

Counsel for the petitioner has also contended that similar disclosure statement was made by the co-accused Geeta when she was arrested. It is further submitted that in the first instance, when the disclosure statement of Murti and Geeta was recorded, they have stated that they are having love affair with co-accused Vikas @ Sanju and the allegations against the petitioner are only with regard to conspiracy as the petitioner was friend of the aforesaid Vikas @ Sanju. It is also argued that the allegations of conspiracy are yet to be proved by leading the evidence and except this disclosure statement of the co-accused, there is no direct evidence against the petitioner.

Counsel for the petitioner has further argued that the petitioner is the first offender and he is in custody for the last 01 year, 08 months and 27 days.

Counsel for the State has filed the affidavit of the Investigating Officer, in which, after verifying the facts as given in the FIR, it is stated that on 12.02.2021, the disclosure statement of Murti and thereafter, the disclosure statement of Geeta was recorded. It is also submitted that on 20.02.2021, the accused Vikas @ Sanju and Manish (petitioner herein) were arrested and on the disclosure statement of Vikas @ Sanju, he demarcated the place of occurrence and got recovered the purse, Aadhar Card and mobile phone of the deceased and recovery of a ring and 2 litres plastic bottles and his own mobile, was recovered from the present petitioner Manish and as per the affidavit, later on, during the investigation, Section 120-B IPC was also added.

After hearing the counsel for the parties, without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 01 year, 08 months and 27 days; he is not involved in any other case; the custodial interrogation of the petitioner is not required; the petitioner is not involved in any other case and the conclusion of the trial will take some time and also considering the disclosure statement of Murti and role of the petitioner, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

29.11.2022

yakub

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No