

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(212)

CRM-M-12828-2022

Date of decision: - 31.03.2022

Ajit Manjhi and another

....Petitioners

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Dr. Kanupriya Grewal, Advocate
and Mr. Arun K. Gupta, Advocate,
for the petitioners.

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

This is the first petition under Section 439 of Cr.P.C. for grant of regular bail in FIR No.110 dated 20.06.2021, under Sections 323, 325, 302, 201 and 34 IPC, registered at Police Station Sadar Ambala, District Ambala.

Learned counsel for the petitioners has submitted that the present FIR has been got registered on the statement of complainant Umesh Manjhi on account of death of his brother Ravinder Manjhi and in the said FIR, it has been alleged that Kundan Manjhi and Mangal Manjhi and other persons had found the dead body and the deceased was lying on the side of the road and thereafter, Bodha who is stated to be the eye

witness/injured had come and told the said persons that the deceased had been killed by the petitioners and their other accomplices. Learned counsel for the petitioners has further submitted that the said Bodha has been examined as PW-4 and he has specifically stated in his examination-in-chief that the deceased and the said Bodha were coming back when a vehicle hit both of them and on account of which, Ravinder Majhi died and that the petitioners were not the persons who had inflicted the injuries upon the deceased or the said witness. Even PW-3 Umesh Manjhi (complainant), PW-6 Kundan Manjhi (son of the complainant) as well as PW-7 Jamahi have not supported the case of the prosecution and rather, stated that the petitioners are not the persons who had killed the deceased. It is further submitted that the star witnesses have not supported the case of the prosecution and the petitioners have been in custody since 21.06.2021 and 09.07.2021, respectively and there are total 24 witnesses, out of which, 15 witnesses are yet to be examined, thus, the trial is likely to take long time. It is further submitted that the petitioners are not involved in any other case.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that as per the version given in the FIR, it was the petitioners along with other unknown persons, who had caused the death of the deceased, however, the other facts asserted by learned counsel for the petitioners have not been disputed by learned State counsel.

This Court has heard the learned counsel for the parties and has perused the paper book.

As per the prosecution case, in the present case, the eye witness of the occurrence also sustained injuries along with the deceased. The said eye witness has appeared as PW4 and has specifically stated that on 19.06.2021, he along with the deceased were coming back, when a vehicle came from the back side and hit both of them and he fell unconscious and thus, could not record the registration number and Ravinder Majhi died. It is further stated in the said statement that he had seen the accused persons (present petitioners) in the Court on that day and they were not the persons who had inflicted injuries upon the deceased or upon him. PW-3 Umesh Manjhi is the complainant on the basis of whose statement, the present FIR has been registered and even the said complainant has stated that he had seen the petitioners in the Court on that day and the said persons had not killed his brother. Kundan Manjhi, who is also a relative of the deceased had appeared as PW-6 and had stated in his examination-in-chief that the petitioners have not killed his cousin. To a similar effect is the evidence of PW-7. It is thus, apparent that the star witnesses in the present case have not supported the case of the prosecution and the petitioners have been in custody since 26.06.2021 and 09.07.2021, respectively and there are total 24 witnesses, out of which, 15 witnesses are yet to be examined, thus, the trial is likely to take time and the petitioners are stated to be not involved in any other case.

Keeping in view the above-said facts and circumstance, the present petition is allowed and the petitioners are ordered to be released on bail on their furnishing bail / surety bonds to the satisfaction of the concerned trial Court / Duty Magistrate / CJM, and subject to them not

being required in any other case.

It is however made clear that in case the petitioners influence or threaten any witness, then it would be open to the State to move an application for cancellation of bail of the petitioners.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

March 31, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No