

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

CRM-M-14683-2022 (O&M)

Date of decision : 30.05.2022

Anil @ Baba

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ashit Malik, Advocate for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

Mr. Saurabh Bhardwaj, Advocate for the complainant.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.307 dated 12.07.2020 registered under Sections 302, 201, 120-B and 34 Indian Penal Code, 1860 at Police Station Kharkhoda, District Sonapat, who is in custody since his arrest on 14.07.2020.

The FIR was registered on the statement of Devendri, who stated that she has two sons, elder one is Satish Kumar and younger to him is Manoj Kumar, who is unmarried. On 05.07.2020 at about 10.00 a.m., Anurag son of Anil came in their house and told Manoj Kumar that his father is calling him. She and her daughter-in-law, namely, Reena came outside and saw one red colour vehicle was standing and Anil was sitting on the side seat of driver and Monu was sitting on driver seat and on the rear seat Rinku was sitting. They told her that they are going for a tour and would return after 2-3 days. On 07.07.2020 at evening, she found Anil in front of their house and she inquired

about Manoj. When he did not satisfactorily replied, she shared this conversation with her son Satish, who visited at Anil's house and upon inquiry, Anil disclosed that they all are together and would return after 1-2 days. On the same day, she received the information that one dead body was found in village water house. She and her son became tensed and Satish and another person visited the water house, where they came to know that police took the dead body with them. Thereafter, my son went to PGI Khanpur to see the dead body, but due to pandemic official did not allow him. On the next day, they visited the police station and identified the photograph and clothes of Manoj. On 08.07.2020, the post mortem examination of her son was conducted and they took the dead body with them and cremated the same. They visited the house of Rinku, Monu and Anil to inquire the matter, but they ran away from their houses. She believed that Anil, Monu, Rinku and another person committed the murder of Manoj after hatching a conspiracy. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case and the co-accused of the petitioner have already been released on regular bail, therefore, the petitioner also deserves the same concession. In this regard, he has invited the attention of the Court to Annexures P-4 and P-5 i.e. the order passed in respect of co-accused. According to him, investigation of the case is complete, therefore, petitioner be released on bail.

On the other hand, learned State counsel assisted by SI Shamsheer Singh does not dispute the above sequence and fairly states that case of the petitioner is at par with the co-accused, who have already been released on bail.

He further submits that investigation of the case is complete, and after framing of charges on 21.01.2021, only 07 prosecution witnesses have been examined out of total 17 witnesses.

After hearing learned counsel for the parties, considering the above background, custody of the petitioner as well as the fact that the material witnesses have already been examined, this Court is of the opinion that further detention of the petitioner behind the bars may not be necessary. Apart from it, the remaining witnesses are police officials and at present there does not seem to be any possibility of their being won over.

Resultantly, 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 concerned/Duty Magistrate.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

30.05.2022

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