

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

223

CRM-M-22658 of 2021

Judgment reserved on:19.07.2022

Pronounced on:02.08.2022

Manmeet @ Monty

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr.Amit Jhanji, Senior Advocate with
Mr. Navjot Singh, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

SUVIR SEHGAL J.

This is the third petition filed under Section 439 of the Code of Criminal Procedure, 1973 (for short “the Code”), seeking grant of regular bail to the petitioner in case FIR No.26 dated 14.03.2017 registered for offences under Sections 148, 149, 285, 302, 364, 452 of Indian Penal Code, 1860 and Section 25 of Arms Act, 1959 at Mansa Devi Complex, Panchkula (Annexure P-1).

Version of the prosecution is that FIR (Annexure P-1) has been registered on the statement of Avtar Singh on the allegation that Manmeet Singh *alias* Monty, present petitioner and his relative, Harman had an altercation with the complainant about 1½ year back and inflicted injuries

on him. FIR was registered, though later, the matter was compromised, yet the Court case continued for 3-4 months. However, both the accused had a grudge against the complainant and on 13.03.2017, at about 6.49 p.m., the complainant received a mobile call from Manmeet Singh @ Monty, who threatened to eliminate him and his family. The complainant rushed back to his home at Saketri where he was staying in a joint family. At about 8-8.15 p.m., the complainant heard two gunshots and commotion near the main gate of his house. When he stepped out with his cousin, Varinder, they saw 10-12 boys led by Manmeet Singh @ Monty and Harmanpreet Singh @ Harman. Harmanpreet attacked Varinder (deceased) with a sword, while Manmeet @ Monty alongwith other boys gave him blows with sword, *gandasi* and *kirpan* which they were carrying. They abducted Varinder in a car, which had its number plate covered, dragged him about 1 k.m. from village Saketri towards Sukhna Lake and dumped him there by roadside. The complainant alongwith his uncle, Jai Singh and other co-villagers chased them, picked up Varinder from the roadside and rushed him to the PGI where he was declared brought dead. Petitioner was arrested on 15.03.2017.

Counsel for the petitioner urges that the petitioner has undergone custody period of five years and there is no complaint against him regarding any misconduct while in custody. He submits that petitioner deserves to be released on regular bail as all the material witnesses have been examined.

Per contra, State counsel upon instructions from ASI Parveen, has opposed the prayer by submitting that the petitioner and co-accused, Harmanpreet, are the main accused and have done a young boy to death mercilessly. According to the State counsel, all crucial witnesses, who have been extensively cross-examined, have supported the case of the prosecution. She submits that co-accused, Varinder Singh, who is a friend of the petitioner, was declared as Proclaimed Offender on 20.07.2017 and is absconding. She apprehends that in case the petitioner is released on bail, he is also likely to flee. It is her submission that prosecution evidence is almost over and bail is not warranted at this stage.

I have heard counsel for the parties as well as examined the documents appended with the paper-book.

The first petition (CRM-M-30440-2019) preferred by the petitioner under Section 439 of the Code was dismissed, vide order dated 24.04.2020 (Annexure P-22), wherein, after hearing the parties at length, this Court made the following observation:-

“The allegations in the FIR describing the gruesome manner in which the petitioners, alongwith the co-accused, had allegedly attacked the deceased with impunity, and a young man of 26 years had been brutally done to death, are of a very serious nature. The testimony of the witnesses relied upon during the course of arguments shows that they have supported the prosecution and given the details of the appalling incident

in depth. The evidentiary value of their statements and cross examination will be determined by the trial court at the appropriate stage. In so far as orders, Annexure P-6, are concerned, this Court granted bail to the other co-accused by taking into considering the fact that their names did not figure in the FIR, whereas the petitioners have not only been named in the FIR, but active role has allegedly been assigned to them in the murder. The trial is at a very crucial stage. The statements of 16 witnesses are yet to be recorded. Therefore, the apprehension of the prosecution that, if released on bail, the petitioners may hamper the trial, cannot be ignored.

Consequently, the petitioners do not deserve to be granted the concession of regular bail. The petition is accordingly dismissed.”

SLP (Criminal) No.3268 of 2020 filed by the petitioner challenging the order passed by this Court was withdrawn from the Hon'ble Supreme Court with liberty to move a fresh application at an appropriate stage. Petitioner filed a second petition before this Court, which was withdrawn after arguments, on 30.04.2021 (Annexure P-20) with liberty to approach the Trial Court, where he did not succeed and his prayer for regular bail was declined by the learned Sessions Judge, Panchkula, vide order dated 20.05.2021 (Annexure P-21). The petitioner has now approached this Court by way of the present petition.

By referring to the list of prosecution witnesses, Annexure P-24, this Court has been informed by the State that all the prosecution witnesses have been examined except for three formal official witnesses, who have been summoned for the next date before the Trial Court and the prosecution evidence is at the last stage.

Petitioner alongwith co-accused Harmanpreet, who is his cousin, are the main accused and have been specifically named in the FIR. They have been duly identified by the complainant and Jai Singh, who have supported the case of the prosecution. DNA analysis establishes that the blood which was picked up from the road and the car, matches with that of deceased. The car, which was being driven by the petitioner, belongs to his father and has been recovered from him. The gruesome manner in which the killing has been done is extremely horrifying. It deserves to be noted that Varinder Singh, who is a friend of the petitioner and has been declared a Proclaimed Offender, has not been nabbed despite a lapse of five years. This Court, therefore, finds substance in the apprehension expressed by the State of the likelihood of the petitioner to abscond, if granted bail, thus, bringing to naught the entire effort of the prosecution.

Keeping in view the totality of the facts and circumstances, the nature of allegations, the gravity of the offence, the categoric role ascribed to the petitioner and last stage of prosecution evidence, this Court is not inclined to accept the prayer made despite the period of custody of the petitioner.

Petition is dismissed.

It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case and the trial shall be concluded uninfluenced by any observation made hereinabove.

August 02, 2022

savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>