

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

CRM-M-23701-2021

Date of decision : 29.03.2022

Mukesh Kumar @ Manni @ Dhanna

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. G.C.Shahpuri, Advocate for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.

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.369 dated 13.03.2020 under Sections 302 and 120-B Indian Penal Code, 1860 registered at Police Station City Jagadhari, District Yamuna Nagar, who is in custody since his arrest on 19.10.2020.

The allegations in the FIR, as noticed by the learned Additional Sessions Judge, Yamuna Nagar at Jagadhari in the order dated 07.06.2021 are as under:-

“Briefly stated, the case of prosecution is that on 13.03.2020 while SI Dharam Pal alongwith HC Parvinder Singh was on patrol and crime detection at Raksh Vihar Barricade, Jagadhri, then information regarding gun firing shots at Gandhi Dham Colony, Jagadhri was received. On receipt of said information, SI Dharam Pal alongwith fellow police personnel reached the spot and recorded the statement of complainant Vishawnath alias Babu, who submitted that they were three brothers and one sister, out of whom sister Mamta and brother Rajan had died several years ago. His brother Chhattar Pal alias Chhatru, aged about 35 years,

did not use to do any job and a rape case was got registered against him by their neighbour Sahil Pandit, wherein said Chhattar Pal alias Chhatru has been acquitted on 20.01.2020. On 13.03.2020, at about 9:45 AM, while complainant was standing outside his house Gandhi Dham near Shiv Mandir whereas his brother Chhattar Pal alias Chhatru was standing in the street near Bobby Cement Store, all of a sudden two young boys including their neighbour Sahil Pandit came on foot from the side of main road and Sahil Pandit fired three shots from his pistol upon his brother Chhattar Pal alias Chhatru, due to which he fell down. Upon hearing the noise, inhabitants of the locality gathered there and thereafter, Sahil Pandit and his companion, whose name later on came to be known as Ankis alias Lahu fled the spot along with the pistol. Complainant chased them, but they fled away by sitting in the car of their other companions, which was parked on the main road. Chhattar Pal alias Chhatru succumbed to the injuries at the spot. Complainant stated that gun shots were fired upon his brother Chhattar Pal by Sahil Pandit on account of enmity.”

Learned counsel has argued that as per complainant, his brother, namely, Chhattar Pal @ Chhatru (deceased) died of gunshot injuries allegedly caused by co-accused-Sahil Pandit and motive is also assigned to said co-accused as the victim was acquitted by trial Court through judgment dated 20.01.2020 in a rape case lodged at the instance of the sister of Sahil Pandit. He further submits that the petitioner is not named in the FIR, who was implicated subsequently on the basis of disclosure statement, while he was in custody in case FIR No.758 dated 11.10.2020 under Sections 307 and 387 IPC and Section 25 Arms Act, 1959. He submits that co-accused, namely, Amit @ Babu had already demarcated the place of occurrence, therefore, the similar piece of evidence (identification of the place of occurrence) connecting the petitioner with the alleged crime is insignificant. He submits that no overt act is attributed to the petitioner. According to him, the weapon of offence and vehicle used in the crime already stood recovered from co-accused Sahil Pandit and Ankit

Dhiman. He prays for bail.

On the other hand, learned State counsel has opposed the prayer, however, it is not disputed by him that the petitioner was implicated on the basis of disclosure statement made on 19.10.2020, when he was in custody in some other case. According to him, in all there are 31 prosecution witnesses and 21 witnesses have already been examined including the complainant (eye witness). He further submits that the petitioner is involved in other cases as well, but does not dispute this fact that except for this case, he is not in custody in any other case.

Considering the above background, custody of the petitioner, and the fact that the material witnesses have been examined, this Court is of the opinion that as the conclusion of trial is likely to consume considerable time, therefore, further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody after his arrest on 19.10.2020.

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/Duty Magistrate concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

29.03.2022

vanita

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