

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-44660-2022

Date of decision : 13.12.2022

Mandeep @ Chuchu

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Chirag Kundu, Advocate
for the petitioner.

Mr. Vishal Malik, DAG, Haryana.

VIKAS BAHL, J.(ORAL)

This is the first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.363 dated 02.10.2019 registered under Sections 302, 120-B and 34 IPC at Police Station Kalanaur, District Rohtak.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 04.10.20219 and the investigation is complete and the challan has already been presented and there are 23 witnesses, out of which, only 10 witnesses have been examined and thus, the trial is likely to take time and the petitioner is not involved in any other case. It is further submitted that the petitioner, along with 5 other persons, has been named as an accused in the FIR on the basis of suspicion by complainant Mulak Raj on whose statement the present FIR was registered with respect to the alleged murder of his daughter namely, Reena. It is

brother of Satish. It is argued that in the present case there is no eye witness and the star witness of the prosecution i.e., PW-6 Raman, who is stated to be the person who had last seen the deceased with the present petitioner and co-accused Pardeep. It is submitted that said Raman has been examined as PW-6 and he has not supported the case of the prosecution. Even PW-1 Mulak Raj, PW-4 Rajinder and PW-7 Sombir have also been declared as hostile. It is further submitted that co-accused of the petitioner namely Pardeep and Satish @ Sita have been granted the concession of regular bail by a coordinate Bench of this court vide order dated 06.09.2022 passed in CRM-M-23702-2022 and vide order dated 06.09.2021 passed in CRM-M-35696-2021, respectively and the case of the present petitioner is on a similar footing as that of co-accused Pardeep.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that the allegations against the petitioner and co-accused Pardeep were that they killed the deceased meanwhile Satish @ Sita, was the person who had conspired with the other accused persons including the present petitioner and the recovery of the weapon Axe has been effected from the present petitioner and has further submitted that it was the present petitioner who had caused injury to the deceased. The other facts have, however, not been disputed.

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

The petitioner has been in custody since 04.10.2021 and the investigation is complete and the challan has already been presented and there are 23 witnesses, out of which, only 10 witnesses have been examined and thus, the trial is likely to take time and the petitioner is not involved in

any other case. The petitioner, along with other co-accused including Satish @ Sita, was named in the FIR by the complainant Mulak Raj on the basis of suspicion. The star witness in the present case i.e., PW-6 Raman has not supported the case of the prosecution and even complainant PW-1 Mulak Raj (father of the deceased), PW4 Rajinder and PW-7 Sombir have not supported the case of the prosecution and have been declared as hostile. Co-accused of the petitioner namely Pardeep and Satish @ Sita have been granted the concession of regular bail by a coordinate Bench of this court vide order dated 06.09.2022 passed in CRM-M-23702-2022 and vide order dated 06.09.2021 passed in CRM-M-35696-2021, respectively

Keeping in view the above said facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

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.

(VIKAS BAHL)
JUDGE

December 13, 2022

Davinder Kumar