

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

Date of decision : 16.03.2022

1.

CRM-M-51630-2021(O&M)

Manoj @ Manoj Kumar

... Petitioner

Versus

State of Haryana

... Respondent

2.

CRM-M-43920-2021(O&M)

Nand Kishore

... Petitioner

Versus

State of Haryana

... Respondent

3.

CRM-M-51228-2021(O&M)

Dharamjit

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Vishal Nehra, Advocate
for the petitioner in CRM-M-51630-2021 &
CRM-M-51228-2021

Mr.Saajan Singla, Advocate
for the petitioner in CRM-M-43920-2021.

Mr.Munish Sharma, AAG, Haryana.

(Through Video Conferencing)

VIKAS BAHL, J.(ORAL)

CRM-4063-2022 IN CRM-M-51630-2021,
CRM-3934-2022 IN CRM-M-43920-2021 &
CRM-4075-2022 IN CRM-M-51228-2021

Prayer in these applications under Section 482 Cr.P.C. is to prepone the date of hearing from 19.04.2022 to some early date.

In view of the reasons mentioned in the applications, the applications are allowed and the date of hearing is preponed from 19.04.2022 to today. These petitions are taken on Board today itself for hearing.

Main cases

This order shall dispose of three regular bail petitions. The first petition is CRM-M-51630-2021 filed by Manoj @ Manoj Kumar. The second petition is CRM-M-43920-2021 filed by Nand Kishore and the third petition is CRM-M-51228-2021 filed by Dharamjit.

Prayer in these petitions filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioners in FIR no.224 dated 16.04.2021 registered under Sections 302, 148, 149, 307, 447, 506, 120-B IPC and Section 25/54/59 of the Arms Act, at Police Station Kundli, Sonapat.

With the consent of all the parties, CRM-M-51630-2021 is taken up as lead case and the facts are being taken for consideration from the said case.

The FIR was registered on the allegations levelled in the complaint made by Mukesh, with respect to murder of his brother Anil, and as per the allegations levelled in the FIR, the petitioners along with other

Kishore had fired a bullet which hit the belly of Anil and Anil had died at the spot.

Learned counsel for the petitioners have submitted that in the present case, apart from the said complainant Mukesh, there were six other eye witnesses as per challan and all the said eye witnesses have not supported the case of the prosecution and have rather said that the petitioners are not the persons who had fired gun shot at Anil. It has further been submitted that the petitioners are not involved in any other case and the petitioners have been in custody since 16.04.2021 and since there are seven more witnesses left to be examined and thus, the trial is not likely to conclude in the near future moreso, in view of the present pandemic.

Learned counsel for the petitioner Nand Kishore has submitted that the weapon has not been recovered from the said Nand Kishore.

Learned State counsel has opposed the present petitions for regular bail and has submitted that in the present case, death of the said Anil has taken place. It has been submitted that as per FIR, there were six accused, out of which the present three petitioners have been challaned. It has further been submitted that two tractors have been recovered from Nand Kishore and Dharamjit.

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

It is not in dispute that in the present case, in addition to the complainant, there were other six alleged eye witnesses. Complainant Mukesh had appeared as PW-5 and in his evidence, he had specifically stated that unknown persons had fired the said gun shot towards his brother Anil and the present petitions are not persons who had fired the said gun

shot. Further PW-6 Lucky who is son of the deceased, PW-7 Jitender Kumar, PW-8 Bijender, PW-9 Satish, PW-11 Manvir Singh, PW-12 Kapil who are all cousins of the deceased, have not supported the case of the prosecution despite the fact that the said witnesses were the star witnesses in the present case. The petitioners are stated to be in custody since 16.04.2021 and are stated to be not involved in any other case. There are seven witnesses who are yet to be examined and the trial is likely to take time moreso, in view of the present pandemic.

Keeping in view the above said facts and circumstances, all the three present petitions are 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 and subject to them not being required in any other case.

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

March 16, 2022

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No