

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

CRM-M-53227-2021(O&M)

Date of decision:-21.9.2022

Manoj

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Argued by: Mr.Mohit Sadana, Advocate for the petitioner.

Mr.Brijesh Sharma, AAG, Haryana.

H.S. MADAAN, J.

1. This second petition for regular bail has been filed by petitioner – Manoj, aged about 25 years, resident of Kumhar Mohalla, Sector – 5, Gurugram – an accused in FIR No.183 dated 29.5.2019, under Sections 302, 397, 120-B, 34 IPC and 25 of Arms Act, registered with Police Station Gurugram City, District Gurugram. The first petition filed by the petition bearing CRM-M-44477-2020 was dismissed by this Court vide order dated 18.12.2020.

2. In nutshell, the facts of the case are that on 28.5.2019 at about 9:00 p.m. while Sudhir Taneja was leaving his shop situated at Sadar Bazar, Gurugram on his Activa scooter, in the meanwhile 3-4 persons with muffled faces fired shots at him and took away bag containing

money and documents along with Aactiva scooter of Sudhir Taneja; Sudhir Taneja had succumbed to the injuries. On matter being reported to the police, formal FIR was registered. Investigation in the case started. CCTV footage from the shop of Baba Garments was observed and some suspects were found making reconnaissance around the shop of deceased. Suraj Kataria @ Chotu, Manoj Kumar @ Monu (present petitioner), Suraj son of Bishan Kumar were nominated in this case and they were arrested on 15.6.2019. After completion of investigation and other formalities, the challan against the accused was filed in the Court. The trial against them is going on.

3. The petitioner/accused had approached the Court of Sessions at Gurugram by seeking regular bail but was unsuccessful. The petitioner had earlier approached this Court as discussed above by filing a petition, which was however dismissed. Now the petitioner has again approached this Court for the second time with the same request.

4. Notice of the petition was given to respondent – State and counsel representing the State puts in appearance.

5. I have heard learned counsel for the parties besides going through the record.

6. The first petition for regular bail filed by the petitioner was dismissed vide a detailed order dated 18.12.2020 mainly for the reason that the trial was likely to be concluded in near future. However, even after passage of more than 1 year and 9 months, the trial has not been completed so far and with the pace at which the trial is proceeding, there is little likelihood of the same being concluded in near future. The

petitioner is in custody since 15.6.2019 i.e. for more than three years. It would not be proper and appropriate to keep him behind bars any longer more particularly when two of his co-accused have been granted the concession of regular bail by this Court i.e. to accused Suraj by allowing CRM-M-26747-2021(O&M) on 22.7.2022, copy of order Annexure P5 and to accused Ajay Bhardwaj while allowing CRM-M-20015 of 2020 on 8.10.2021, copy of order being Annexure P3 and keeping in view the fact that the main witnesses for the prosecution have since been examined and now only official witnesses are left to be examined as per report received from the trial Court. In that way, there is little possibility of the accused trying to tamper with the prosecution evidence by giving threat or inducement to the prosecution witnesses.

7. Under the circumstances, I find that the petitioner deserves to be granted concession of bail. Therefore, the petition is allowed and petitioner be admitted to bail during the pendency of the trial, subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, Gurugram, subject to the following conditions:

- (i) he shall appear in the Court on each and every date of hearing;
- (ii) he shall not give any threat or intimidation to the prosecution witnesses;
- (iii) he shall not indulge in any criminal activity;
- (iv) he shall not leave India without prior permission of the Court;
- (v) he shall surrender his passport before the Investigating Officer, if he has got one, otherwise to furnish affidavit in that regard; and
- (vi) he shall get his presence marked in the local police station on every Saturday of the week in the forenoon and he will furnish a declaration that he has not indulged in any criminal activity in the meanwhile.

8. The Court accepting bonds would ensure that sureties furnished are local having documentary proof of immovable properties in their names situated within jurisdiction of the Court of the value double the surety amount. Photographs of the sureties, attesting witnesses and the accused be got attached on the bonds and copies of the title deeds be also got attached with endorsement made on the original title deeds with regard to the said person having stood surety for the accused in this case.

9. In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial. In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

It may be mentioned here that nothing discussed hereinabove shall have any bearing on the merits of the case.

21.9.2022

Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No