

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

225

CRA-S-1163-2023

Date of decision: 10.05.2023

Monu Kumar @ Monu Rana

.....Appellant

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sukhdeep Singh, Advocate for
Mr. Parminder Singh, Advocate
for the appellant.

Mr. Chetan Sharma, DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is challenging the order dated 14.03.2023 passed by learned Additional Sessions Judge-I, Karnal whereby his application for grant of regular bail in case FIR No.919 dated 31.08.2019 under Sections 302/201/120-B/34 of the IPC, Sections 25/54/59 of the Arms Act, 1959 and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'the SC/ST Act') registered at Police Station Sadar, Karnal, was dismissed.

2. Learned counsel for the appellant while drawing the attention of this Court to the FIR which has been annexed as Annexure P-1, submits that a perusal of the same reveals that the complainant (brother of the deceased) had merely alleged therein that the deceased had been taken away by one boy on a motorcycle and thereafter murdered with fire arm shorts. Learned counsel submits that there was

no suspicion raised much less by way of a whisper qua the involvement of the appellant in the FIR in question and subsequently the appellant came to be arrayed as an accused on a supplementary statement made by the complainant wherein he stated that he had seen the appellant along with co-accused Amit standing at a distance when the deceased left in the company of the unknown person on a motorcycle. Learned counsel submits that the appellant has been involved in the case in hand only because he happens to be a friend of the main accused Jatinder Singh who allegedly fired fatal shots at the deceased. Learned counsel has also submitted that similarly situated co-accused who too had been attributed an identical role has since been extended the concession of bail by this Court vide order dated 23.03.2022. Learned counsel lastly contends that the appellant has now been in custody for more than 02 years having been arrested on 26.02.2021 and the trial shall take considerable time to conclude as 22 prosecution witnesses remain to be examined.

3. On a pointed query put to the learned counsel for the appellant, he submits that the complainant stands examined and hence, further incarceration of the appellant in the case in hand would serve no useful purpose.

4. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite on instructions from SI Sukhpal, has not been able to controvert that fatal injuries on the person of the deceased had not been attributed to the appellant, however, he submits that the appellant was present when the occurrence in question took place. He submits that the appellant was a conspirator to the crime

in question. Learned State counsel on further instructions has not disputed that the case of the appellant is at par with that of co-accused Amit who has since been extended the concession of bail by this Court vide order dated 23.03.2022.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. The trial is unlikely to conclude in the near future as only 03 prosecution witnesses out of the 25 stand examined. All the material witnesses as per instructions received by the learned State counsel including the complainant stand examined. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the appellant.

7. Accordingly, the instant appeal is allowed and the impugned order dated 14.03.2023 is set aside. The appellant be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

10.05.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No