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2023:PHHC:126537

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

CRM-M-20805-2023

Date of decision : 25.09.2023

Manoj

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Kuldeep Singh, Advocate for the petitioner.

Mr. Aditya Pal Singla, AAG, Haryana.

DEEPAK MANCHANDA, J.(Oral)

The present second bail petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.257, dated 30.06.2021 under Sections 302, 201 and 34 of IPC, registered at Police Station Kurukshetra University, District Kurukshetra.

The brief facts of the case are that on 29.06.2021, deceased (Amarjeet Singh) had left Sawhney Farm for Kurukshetra on his Scooty bearing registration No.HR-07S-9348 for his personal work. At about 10.00 PM, nephew of complainant had informed him that deceased (Amarjeet Singh) had not returned back home and his phone is switched off. Thereafter, complainant-Hardev Singh (brother of deceased) along with his younger brother-Sukhdev Singh and neighbour-Baljinder Singh left for Kurukshetra in search of his brother-Amarjeet Singh. At about 11.30 PM, when they reached at Kirmach Road in front of NIT Gate, Kurukshetra one Malkeet Singh met

them and disclosed that he had seen a person lying in a pool of blood in front of Jashan Guest House and a scooty was also parked near the dead body. When they reached the said Guest House, they came to know that person was his brother-Amarjeet Singh and also noticed sharp edged injuries on his neck, head and stomach and on suspicion, he lodged the FIR against Ankit, Ankush and Manoj (petitioner) as all of them had been residing in the said Guest House.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present FIR, where prosecution has failed to built the guilt of the accused as there is no direct evidence against the petitioner and the story built up by the prosecution is highly improbable and believable and the petitioner has been implicated only for the reason that he along with other two co-accused, namely, Ankit and Ankush were present in the nearby hotel palace where the dead body was found in a causeway, which is just few distance away from the Jashan Guest House and petitioner happened to be found in the said guest house and it was easy to implicate him. Learned counsel further contends that the role of Malkeet Singh is highly suspicious, because as per the prosecution version, the said Malkeet Singh was the first person, who saw the body on 29.06.2021 in the evening when he gone to supply fish in the same area and thereafter, at about 11.00 p.m. where he met the complainant and disclosed about this incident to him. He also submits that the false implication of the petitioner is evident from the fact that on 29.06.2023 at about 11.00 p.m., the body of the deceased Amarjeet was found, but the information to the police was sent on 30.06.2021 at about 04.20 in the morning and there is delay in registration of the FIR. Moreover, there is no motive, intention of the petitioner to commit such crime. He further submits that the

prosecution had tried to built the story by levelling false allegations that there was verbal fight between the deceased and other co-accused Ankit and Ankush 25 days prior to the incident as well as on the basis of confessional statement, which was made before the police during the interrogation and same is not admissible in law. Learned counsel for the petitioner submits that investigation is complete and challan stands presented, charges have been framed on 19.01.2022 and now the case is at the stage of prosecution evidence, where the trial will take sufficient long time to reach its conclusion. He prays that the petitioner be released on regular bail.

Per contra, learned State counsel has opposed the present bail application while referring the status report dated 05.09.2023 and submits that during further investigation of the present case, the petitioner along with other co-accused got recorded their statements and in pursuance to the same, the recovery of white colour polythene containing blood stained clothes of accused persons were got recovered, the statement is annexed as Annexure R-5. He further submits that the present petitioner and other co-accused who got identified the place of occurrence as well as the place where they thrown away the dead body of the deceased for destroying the same. Though he does not dispute that challan stands presented on 27.09.2021, but submits that now the matter is pending for 18.09.2023 for defence evidence, where all the 17 prosecution witnesses have already been examined before the trial Court.

I have heard the learned counsel for the parties and have gone through the case file.

After perusing the record as well as the order passed by the trial court, it shows that all the prosecution witnesses have already been examined

and trial is at fag end and matter is fixed for defence evidence. Considering the gravity of offence and the role of the petitioner and also the stage of the trial, where all the prosecution witnesses have already been examined and the matter is fixed for defence evidence, this Court is not inclined to grant the concession of regular bail to the petitioner.

Resultantly, without meaning any expression of opinion on the merits of the case, no case is made out for releasing the petitioner on regular bail.

Petition is dismissed.

(DEEPAK MANCHANDA)
JUDGE

25.09.2023
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No