

CRM-M-26930-2023 (O&M)

223

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-26930-2023 (O&M)

Date of decision: July 13, 2023

Manavgeet

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr. Lalit Mohan Chanana, Advocate for petitioner.

Ms. Guramrit Kaur, DAG Punjab.

ARUN MONGA, J. (ORAL)

Petitioner, stated to be 20-year old young boy, seeks bail in a case bearing FIR No.462 dated 17.11.2022, registered under Sections 304, 201/34 of the Indian Penal Code, 1860 (for short 'IPC'), at Police Station Zirakpur, District SAS Nagar (Mohali).

2. Per prosecution version, Sapna (since deceased) was a sister of complainant Amita. On 15.11.2022 after talking with Sapna on phone, complainant disclosed that former was to go to meet agent Ajay, a resident of Jalandhar and Manavgeet Singh (petitioner), a resident of Sultanpur Lodhi. On 16.11.2022, complainant came to know that her sister Nisha had died and her dead body was lying in Car bearing registration No.PB-10-DK-0322 on the rear seat. She came to know that her sister had gone to Shanti Sagar Hotel, Sector 118, Kharar (Mohali) to meet Ajay and petitioner, who made her consume excessive liquor beyond her capacity due to which her condition became precarious, but accused instead of providing her medical aid and admitting her in a hospital for treatment, kept on roaming here and there in the car and eventually she died. Accused left her dead body in the car in the fields of village Shatabgarh and fled away. They also destroyed her two mobile phones. An FIR was registered in this regard. During investigation, petitioner was arrested on 18.11.2022.

3. Learned counsel for petitioner submits that petitioner has been falsely implicated in this case. He submits that no offence is made out *qua* the petitioner. Per

CRM-M-26930-2023 (O&M)

Section 304 IPC, petitioner was not having any intention to commit alleged offence. Petitioner was implicated on the basis of an alleged disclosure statement. Petitioner has not been attributed any role in the FIR.

3.1. Learned counsel for petitioner would further canvass that petitioner is a 20-year old young boy who is an aspirant to go to Canada and prime accused Ajay had told him that he will do the needful for him, provided he pays money as asked by him. He further states that deceased Nisha, who was a friend of Ajay, was called to the hotel at his instance. Per petitioner's knowledge, she was also an aspirant to go abroad. Both of them had since gone to meet prime accused for common cause and other than that petitioner had no role, whatsoever, in the alleged crime which resulted into registration of FIR. He further argues that his mere presence at the scene of occurrence, which was by sheer coincidence, is being held against him. Prime accused Ajay had asked him to come over and at the same time deceased Nisha was also asked to come there, and other than that there is no allegation by the complainant that he had any motive to get rid of Nisha and/or nurturing any enmity against her. There are no criminal antecedents of the petitioner.

4. On the other hand, learned State counsel, on instructions from HC Rahul Kumar opposes the bail petition. She submits that petitioner has committed a serious offence. Charges were framed on 23.06.2023.

5. I have heard rival contentions of learned counsels for the parties and have gone through the case file.

6. Petitioner is in custody since 18.11.2022. Challan has been filed and trial has commenced. Petitioner is not required for any further custodial interrogation. Bail allows the accused to maintain their freedom until their guilt or innocence is determined.

7. In the instant case, there are total 20 witnesses, out of them none has been examined so far. Trial is likely to take long time. Whereas, petitioner has already been languishing in jail for the past more than 9 months in preventive custody, he being behind bars since 18.11.2022. It is stated that petitioner is 20-year old young boy and 10+2 pass, who wanted to go abroad to earn and study at the same time. Petitioner has clean

CRM-M-26930-2023 (O&M)

antecedents and is being kept in preventive custody only on the unfounded suspicion of tampering with the evidence and/or influencing the witnesses.

8. In addition, the alleged crime purportedly committed by the petitioner is non-violent in nature. In case, he is released on bail, there is no likely threat to the society.

9. Considering the overall scenario and without commenting on the merits of the case, the instant petition is allowed. I am of the view that no useful purpose would be served to keep the petitioner in further preventive custody.

10. Accordingly, petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court, where his case is being tried and in case he/she is not available, before learned Duty Judge, as the case may be.

11. In case, petitioner is found to be involved or gets involved in any offence while on bail, the prosecution shall be at liberty to seek cancellation of his bail in the instant case.

12. It is made clear that any observations and/or submissions noted herein above shall not have any effect on merits of the case as the same are for the limited purpose of hearing the instant bail petition alone and learned trial Court shall proceed without being influenced with this order.

13. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

July 13, 2023

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No