

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

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CRM-M-53797-2022 (O&M)

Date of decision: 11.10.2023

Manjeet alias Bantu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sangram Singh Saron, Advocate and
Mr. Madhavrao B. Rajwade, Advocate
for the petitioner.

Mr. Rahul Mohan, Sr. DAG, Haryana
assisted by SI Ranbir.

Mr. Preetinder Singh Ahluwalia, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.592 dated 23.11.2021 under Sections 302, 307, 34, 120-B of the IPC, Section 25 of the Arms Act, 1959 (Sections 201, 212 of the IPC and Section 27 of the Arms Act added lateron) registered at Police Station Jind City.

2. Learned counsel for the petitioner inter alia contends that as per the FIR lodged by complainant Hunny Bansal, 03 unidentified persons with muffled faces came on foot to their house cum office on 23.11.2021, while he along with his uncle Sham Sunder (hereinafter referred to as 'deceased') and cousin Ankush were standing there. The 03 unidentified persons were allegedly armed with firearms and fired indiscriminately upon the deceased. The complainant too was fired

upon, and received injuries on his foot. Thereafter, the 03 unidentified assailants fled away from the spot on foot.

3. While drawing the attention of this Court to the FIR annexed as Annexure P-1, learned counsel has further submitted that while lodging the aforesaid FIR, the complainant raised a suspicion qua the involvement of as many as 07 persons including accused Gaurav, with whom they had a history of enmity, however, neither was the petitioner named therein nor anything alleged, much less by way of a whisper against him. It was much later, the petitioner was nominated as an accused and thereafter arrested on 20.01.2022 for allegedly harbouring the assailants, firstly by providing them with a motorcycle for going to the place of occurrence for committing the crime in question and thereafter, providing them shelter in his house. Learned counsel has asserted that there was nothing to link the petitioner with the motorcycle on which the assailants had allegedly fled away from the scene of crime after murdering the deceased as the registration number of the motorcycle was not even visible in the CCTV camera installed in the vicinity, which was stated to have been retrieved by the police, following the crime in question. He has further argued that rather the petitioner being linked to the motorcycle in question, was totally contrary to the version given in the FIR, wherein it had been stated categorically that the assailants had come on foot and after committing the crime, had also left on foot. He has still further submitted that a very strange motive has been alleged against the petitioner for harbouring the accused, that one of his friends had been previously murdered by some person and in order to settle scores with that person, the accused

party had assured him of help in case he also extended them help in committing the crime in question. Learned counsel has argued that assuming for the sake of arguments, though not conceded, the petitioner's only role at best is of harbouring the 03 assailants after they committed the murder of the deceased, and thereafter, travelling with them to Nagaland. Learned counsel has, thus, prayed that in the wake of the allegations levelled against the petitioner and the material on the basis of which he is being linked to the crime in question, he be extended the concession of bail *moreso* since he has now been in custody for almost 01 year 09 months, having been arrested on 20.01.2022, coupled with the fact that the complainant, who is also a stamped witness, has already been examined while another eye witness to the occurrence, Ankush (son of the deceased) has been given up by the prosecution, as being unnecessary; his further incarceration thus, would serve no useful purpose as 57 prosecution witnesses out of the 60 cited, are still to be examined.

4. Per contra, learned State counsel assisted by learned counsel for the complainant has vehemently opposed the prayer and submissions made by the counsel opposite. It has been submitted that no doubt the petitioner was not named in the FIR in question nor was there any suspicion raised qua his involvement in the murder of the deceased, however, after taking into consideration the totality of circumstances right from doing a *recce* of the place of occurrence, providing the assailants with a motorcycle for going to the place of occurrence for committing the crime and thereafter fleeing from the spot on that very motorcycle, providing shelter to them in his house

after the crime in question and still further travelling with the accused to Nagaland, it could be easily discerned that the petitioner was an active participant in the crime in question. It has been further submitted that there was a business rivalry between the deceased and the co-accused, who though not present at the place of occurrence, had masterminded the crime and carried out the same with the help of the petitioner by assuring him of help to settle score scores with the murderer of his friend.

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

6. The petitioner has been in custody since 20.01.2022. The petitioner allegedly helped the accused party by providing them a motorcycle to go to the place of occurrence and thereafter harboured them in his house. It has not been disputed by the learned counsel for the State as well as the complainant that no motive has been attributed to the petitioner to commit the murder of the deceased. The material witness in the case in hand i.e. the complainant already stands examined and 57 prosecution witnesses are yet to be examined. Hence, there is no likelihood of the trial concluding in the near future. On a pointed query put to the learned State counsel qua the antecedents of the petitioner, he, on instructions, has not disputed that the petitioner has clean antecedents and is not involved in any other criminal case. Hence, in the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed. The petitioner 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.

11.10.2023

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No