

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

CRM-M-60018-2023

Date of Decision:-05.12.2023

Manoj @ Mannu.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Amit Arora, Advocate for the Petitioner.

Mr. Kanwar Sanjiv Kumar, AAG Haryana.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.0751 dated 31.12.2021 under Sections 302, 34 IPC and Section 201 IPC (added later on) registered at Police Station Mujesar, District Faridabad.

2. The brief facts of the case are that on 31.12.2021 telephonic information was received that a dead body was lying in a dilapidated and abandoned building in Old Press Colony, Faridabad. On this information Inspector Sandeep Kumar along with other police officials reached the spot where they found the dead body of a young boy. Complainant Ashwani Kumar Pandey came to the spot and presented a complaint with the allegations that he was working as security guard of the Press Colony Quarters. ON 31.12.2021 at about 8.00 pm he was present on duty. When he was taking round of the quarters for checking, he saw a dead body of

young boy lying on the first floor of the building. No person residing nearby could identify the same. Legal action was sought leading to the registration of the present FIR.

During the course of investigation, the dead body was identified as that of Aman son of Brahm Parkash. The post mortem was conducted as per which the deceased was found to have received the following injuries:-

“ LW of size 1 cm X 1 cm bone deep back of scalp right side extra calavarial hametoma present on further exploration sub dural and subarachnoid hamatoma with contusion of the post frontal cortex of brain right side with infra tentorial hamatoma and coning of hind brain was detected.”

The board of doctors opined that the cause of death in this case would be given after receiving the CE Report from RFSL, Bhondsi Gurugram.

During the course of further investigation the statement of Naveen (uncle of the deceased-Aman) was recorded on 04.01.2022. In his statement he stated that his nephew Aman had gone along with his friends Rohit Sharma (since granted bail vide order dated 18.07.2023 in CRM-M-10462-2023) to Old Press Colony where he met Sumit (since granted bail vide order dated 18.07.2023 in CRM-M-6934-2023), Manoj @ Mannu (petitioner) and Sunny. All the accused took drugs together and after getting intoxicated the four accused murdered his nephew.

Rohit Sharma and Sumit along with Manoj @ Mannu were arrested on 6.1.2022. They got recorded their disclosure statements admitting their guilt. As per the disclosure statements, Rohit Sharma had gone with the deceased Aman to the quarters of the Press Colony to consume drugs where they had met other accused including Sumit. They all

consumed drugs. As Aman deceased had taken an extra dose, a quarrel took place amongst them. They pushed Aman, who fell on the floor and got injured on his head after which he became unconscious. They had taken away his mobile phone, some money and his Aadhaar Card. Thereafter Section 302 IPC was deleted and Sections 304 and 201 IPC were added.

Co-accused Sunny Lodhi was arrested and as he was found to be a minor he was produced before the Juvenile Justice Board where he is facing trial.

After the RFSL report was obtained, an opinion of the doctors was sought who opined that the *“cause of death in this case is Intracranial Hemorrhage due to injury to brain which was antemortem in nature and sufficient to cause death. Possibility cannot be ruled out the fall on ground on back with back of head striking on ground can cause such injury.”*

The mobile phone of the deceased was recovered from Rohit Sharma whereas no recovery was effected from Sumit.

3. The Counsel for the petitioner contends that he has been falsely implicated in the present case on the basis of the disclosure statement of his co-accused. Two similarly situated co-accused have been granted the concession of bail. As the petitioner was in custody since 06.01.2022 and only 02 out of 25 witnesses had been examined so far (02 PWs having been given up), the trial of the present case was not likely to be concluded anytime soon and therefore, the petitioner was entitled to the concession of bail.

4. I have heard learned Counsel for the parties.

5. The veracity of the prosecution case against the petitioners shall be established during the course of the Trial. Admittedly, the petitioner is stated to be in custody since 06.01.2022 and only 02 out of 25

prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this view of the matter the further incarceration of the petitioner is not required, more so when his co-accused Rohit Sharma and Sumit have already been granted the concession of bail.

6. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Manoj @ Mannu** son of Sh. Jarnail Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

7. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing that he is not involved in any other crime other than the aforementioned case.

8. In addition the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from the trial without sufficient cause.

9. The petitions stand disposed of.

(JASJIT SINGH BEDI)
JUDGE

December 05, 2023

Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>