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

**CRM-M-20966-2024 (O&M)**

**Date of decision : 28.08.2024**

**Mahesh @ Neeshu**

**...Petitioner**

**Versus**

**State of Haryana**

**...Respondent(s)**

**CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

**Present: Mr. Robin Singh Hooda, Advocate,  
for the petitioner.**

**Mr. Kiran Pal Singh, AAG, Haryana.**

**Mr. Abhishek Jindal, Advocate and  
Mr. Abhimanyu Batra, Advocate for the complainant.**

**MAHABIR SINGH SINDHU, J.**

Present second petition has been filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of bail pending trial to the petitioner in FIR No.251 dated 15.07.2020, under Section 25 of Arms Act, 159 and Section 307 of the Indian Penal Code, 1860 (for short, 'IPC') (Sections 120-B, 201, 216, 302, 148 read with Section 149 IPC & Sections 25 (1B) (a), 27(1) Arms Act added later on) registered at Police Station City Sohna, District Gurugram.

2. Custody certificate dated 26.08.2024 has been produced, which is taken on record.

Registry to do the needful.



3. Above FIR was registered on the basis of statement made by Kuldeep @ Kalu *de facto* complainant with the allegation that on 15.07.2020 at around 3.15 p.m., his brother Manoj Kumar-deceased had gone to Krishna Hospital, Sohna for bringing some medicines for his daughter-Neer in a car. At about 4.30 p.m., his brother-Dhanraj telephonically intimated him that some unknown persons had fired gunshots on Manoj Kumar with an intention to kill him and later on, he succumbed to the injuries on 12.08.2020.

4. Contends that petitioner was not named in the FIR; rather he has been nominated on the basis of disclosure made by co-accused-Puneet. Further contends that report under Section 173 of Code of Criminal Procedure has already been presented before the Court of competent jurisdiction and as such, further incarceration of the petitioner would not serve any purpose.

5. *Per contra*, learned State counsel vehemently opposed the prayer while submitting that petitioner is a hardcore criminal and he is facing another murder case also. Further submits that if petitioner is granted bail, there is every likelihood that he shall influence the witnesses and hamper the trial.

6. Learned counsel for the complainant also opposed the prayer of the petitioner and submits that he is involved in two other cases and details of which are as under:-



| Sr. No. | FIR No. | Dated      | U/S                                    | Name of Police Stations              |
|---------|---------|------------|----------------------------------------|--------------------------------------|
| 1.      | 69      | 24.02.2016 | 323, 452,376 read with Section 511 IPC | P.S. Bhondsi                         |
| 2.      | 146     | 11.05.2020 | 120B, 302 read with Section 34 IPC     | P.S. Khedki Daula, District Gurugram |

7. Heard learned counsel for the parties and perused the paper-book.

8. It is discernible that apart from present case, the petitioner is involved in another murder case also. Moreover, he has actively participated in the commission of crime and being the repeat offender, has no respect for the rule of law. Apart that, there is strong apprehension that in case, petitioner is granted bail, he shall hamper the trial.

9. In view of the above, this Court is not inclined to grant bail to the petitioner at this stage.

10. Consequently, there is no option, except to dismiss the petition.

11. Ordered accordingly.

12. Needless to say that above observations be not construed as an expression of opinion on merits of the case, in any manner.

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

28.08.2024

Harish Kumar

(MAHABIR SINGH SINDHU)  
JUDGE

|                               |     |    |
|-------------------------------|-----|----|
| Whether speaking / reasoned : | Yes | No |
| Whether Reportable :          | Yes | No |