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

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Date of Decision:- 25.07.2024

Manoj Gupta

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Tanmoy Gupta, Advocate for petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

AMARJOT BHATTI, J.

1. Petitioner Manoj Gupta has filed present petition under Section 439 Cr.P.C. seeking regular bail in FIR No.770 dated 20.09.2015, under Sections 302, 34 of IPC and Section 25-54-59 of Arms Act (Sections 201 and 120-B of IPC added later on), registered at Police Station Civil Lines Gurgaon, District Gurgaon.

2. Facts of the case are complainant Sanjay stated that they are two brothers. They are doing business of Pig rearing. On 19.09.2015 at about 10'O clock Mohit along with Aasu s/o Sanjay Kumansari and Anup s/o Sanjay left the house in their Bolero vehicle bearing No.HR-26-CJ-7179. After some time, he received a call that Mohit was attacked by 2-3 boys and a firing incident took place near 32 Milestone Hotel. Complainant reached the spot. Injured was admitted in Kalyani Hospital, Gurugram but he was declared dead. Complainant raised suspicion against several persons. Investigation was carried out. During investigation Dharambir, Mohit, Suraj, Sandeep and Kaushal were challaned on the basis of their disclosure statements and recoveries effected during investigation. Present petitioner was not apprehended and was declared proclaimed offender. Ultimately, on his arrest challan has been presented in the Court.



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3. Learned counsel for petitioner argued that allegations levelled against him are without any basis. No specific role is attributed to him. Other co-accused Dharambir etc. have been acquitted by the learned trial Court vide judgment dated 06.01.2021 (Annexure P-4). Present petitioner was arrested on 06.12.2023 and since then he is behind the bars. No prosecution witness has been examined. He is ready to abide by the terms of bail order. Therefore, his regular bail application may be allowed.

4. Learned counsel representing State filed detailed status report. He opposed the bail application on the ground that petitioner managed to escape his arrest for a period of more than 07 years and was declared proclaimed offender. Even now there is every possibility that he may escape. Allegations are serious in nature, therefore, he does not deserve to be released on bail.

5. I have considered arguments and have gone through the record. Trial in this case is at initial stage. It is a matter of record that other co-accused have been acquitted by learned trial Court by passing judgment dated 06.01.2021 (Annexure P-4). Present petitioner is yet to face the trial. Statements of witnesses are to be recorded. Learned counsel representing State pointed out that one of the witness has expired whereas other witnesses are yet to be examined. Complainant and other material witnesses qua the role of present petitioner are yet to be examined. Therefore, at this stage I do not find a fit case for grant of regular bail.

6. Considering the gravity of offence and conduct of present petitioner, his regular bail application is accordingly declined.

7. Pending miscellaneous application(s), if any, stand disposed of accordingly.

25.07.2024

Sunil Devi

(AMARJOT BHATTI)
JUDGEWhether speaking/reasoned:
Whether reportable:Yes/No
Yes/No