



218 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-26677-2024 (O&M)
Date of decision: 1st August, 2024

Manoj @ Moza

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Anu Bala Garg, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 439 of Cr.P.C.
seeking regular bail in the FIR mentioned below:-

FIR No.	Date	Police Station	Sections
699	02.11.2022	Bhiwani Sadar, District Bhiwani	120-B, 148, 149, 302 of IPC, 1860 (Sections 114, 201, 404, of IPC, 1860 added during investigation)

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 02.11.2022, on receipt of an information regarding dead body of one person lying in the fields, a police party rushed towards the spot, where the complainant- Pinky wife of the deceased Surinder Singh was found present who submitted a written complaint alleging therein that on the evening of 31.10.2022, an altercation had taken place between her husband



and Rajesh and Ajay both sons of Sajram and one Bijender, while he (her husband) was working in his fields. On 01.11.2022, her husband had gone to the fields on his motorcycle. At about 11:00 PM, she received information about the dead body of her husband lying therein and on reaching at the spot, marks of injuries on husband's corpus were found. She prayed for taking action against the culprits. After registration of FIR, investigation proceedings were initiated. Inquest proceedings were also conducted. Footages from the CCTV camera installed in the vicinity were collected showing the victim entering into his fields on the night of 01.11.2022. The accused Naresh, Rajesh and Bijender were arrested on 04.11.2022. They suffered disclosure statements admitting their involvement in the subject crime and demarcated the place of occurrence. The accused Rajesh got recovered his clothing and one mobile phone; whereas the accused Bijender got recovered one spade-stick and motorcycle used at the time of occurrence. Recovery of a stick and mobile phone was effected from the accused Naresh. Offences under Sections 114, 201, 341 and 404 were added. The accused Manish and Kapur Singh were also arrested. During investigation, the complicity of the present petitioner in the commission of crime of murder of the victim had also been revealed and he was arrested on 23.11.2022. On interrogation, he too suffered disclosure statement, admitting his guilt and got recovered a *danda* used at the time of crime, a towel, his mobile phone and one motorcycle besides demarcating the place of occurrence. The Call Details Records of the accused were also obtained and



it was revealed that the petitioner Manoj and Naresh gave telephonic information regarding the presence of the victim in his fields to accused Manish who alongwith accused Bijender and Rajesh went to the place of occurrence, where the present petitioner and accused Naresh were already present and then all five of them had committed murder of the victim and threw his dead body into the passage of fields of one Hawa Singh. Investigation has since been completed and the petitioner along with co-accused is facing trial for commission of aforementioned offences. The petitioner had moved an application for grant of regular bail which was dismissed by the Court of learned Additional Sessions Judge, Bhiwani vide order dated 22.03.2024.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. There is no eye-witness to the factum of committing murder of the victim by the petitioner. He has been nominated on the basis of disclosure statements of the co-accused which cannot be considered to be admissible in evidence. As per the allegations, he had caused injuries on the waist of the deceased, whereas, according to the post-mortem report, no injury on the waist of the victim had been found and the death had occurred due to hemorrhage. He is in custody since 22.11.2022. The co-accused Bijender @ Bali and Naresh whose case is on similar footing have since been extended benefit of bail. The trial is likely to take time. On the ground of parity, the petitioner too deserves to be released on bail. Therefore, it is urged that the



petition does not deserve to be allowed.

4. Status report has been filed by respondent-State. In terms of this report, it is vehemently argued by learned State counsel that there are serious allegations against the petitioner as by forming membership of an unlawful assembly with the co-accused and by hatching a conspiracy with them and in prosecution of common object of that unlawful assembly, he along with the co-accused committed murder of the victim Surinder on the night of 01.11.2022. The petitioner has criminal antecedents since as many as five other cases are registered against him. Therefore, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner along with the co-accused is alleged to have formed membership of an unlawful assembly and in prosecution of common object of that unlawful assembly is alleged to have committed murder of victim by causing injuries to him. The case is based upon circumstantial evidence. The petitioner is in custody since 22.11.2022. The petitioner has been implicated in this case on the basis of disclosure statements of the co-accused since the complainant was not an eye-witness to the occurrence nor any other eye-witness has been cited. On the ground of parity, taking into consideration the period of incarceration of the petitioner and in view of the discussion as made above but without meaning to make any comment on the



merits of the case, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

1st August, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes |
| 2. Whether reportable | : | Yes |