



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.27551 of 2024
Date of Decision: 25.07.2024

Mandeep @ Kala ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Abhishek Chha, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner seeking regular bail in FIR mentioned below:-

FIR No.	Police Station	Sections
183	Murthal, District Sonipat, Haryana	302, 307 and 34 of IPC and 25 of Arms Act, 1959

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of complaint submitted by complainant Jagbir on 31.05.2021 alleging

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therein that his son Saurabh was implicated in a case of murder of Sandeep. He had been extended benefit of bail and was released. The petitioner who is brother of the deceased Sandeep was nurturing grudge against Saurabh. On the same day at about 9:30 AM when Saurabh had gone to Government Primary School and was sitting there along with Mohit and Sanjit and the complainant himself was passing through that school as he had to go to Fire Brigade Company, suddenly he heard the noises of firing of shots and on rushing towards the gate of the school, he found the petitioner and his cousin brother while fleeing away from the spot. They were on motorcycle and were carrying pistol. While alleging that his son had been killed by the petitioner and co-accused, he prayed for taking action. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on 04.06.2021. After completion of necessary investigation and usual formalities, challan was presented in the Court and presently, the petitioner along with the co-accused is facing trial before the trial Court. He had moved an application for grant of bail which had been dismissed by the Court of learned Additional Sessions Judge, Sonapat vide order dated 01.04.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 04.06.2021. The eye-witness Sanjit has not supported the prosecution version. The material witnesses already stand examined. He is in custody since last three years. His further detention would not serve any useful purpose. Therefore, it is urged that the petition deserves to be allowed.

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4. Per contra, learned State counsel who has advance notice of the petition has submitted that there are serious and specific allegations against the petitioner that he along with the co-accused had killed the son of the complainant by firing shots with firearm. The complainant has supported the prosecution version. Merely because one eye-witness turned hostile, the petitioner cannot be extended benefit of bail. There are chances of petitioner's fleeing if extended benefit of bail. 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.

6. The petitioner along with the co-accused is alleged to have committed the murder of the son of the complainant on 31.05.2021. The complainant is alleged to have eye-witnessed the factum of such murder. The petitioner has placed on record copies of statements of the complainant and PW Sanjit. No doubt, PW Sanjit is not shown to have supported the prosecution version while appearing as a witness before the trial Court. However, the complainant Jagbir Singh is shown to have supported the case of the prosecution. The allegations against the petitioner are serious in nature. Most of the prosecution witnesses stand examined. There is nothing on record to show that there would be any undue delay in conclusion of the trial. Keeping in view the nature of the subject offences, the quantum of sentence which the conviction may entail and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition does not deserve to

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be allowed. Accordingly, the same is dismissed.

25.07.2024
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No