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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-34703-2024
Date of Decision: 24.10.2024

Manoj @ Dhodu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present:-. Mr. Keshav Pratap Singh, Advocate,
Mr, Bhaskar Sarohot, Advocate,
Mr. Rajat Singh, Advocate and
Mr. Vishal Singh, Advocate
for the petitioner.

Mr. Gaurav Bansal, DAG Haryana

KIRTI SINGH, J.(Oral)

The jurisdiction of this Court under Section 483 of BNSS, 2023 has been invoked for grant of regular bail to the petitioner in case FIR No.377 dated 29.09.2023 under Sections 307, 325, 506, 34 IPC (offences under Sections 325 and 506 IPC were added later on) and Section 25 of the Arms Act 1959, registered at Police Station Sadar Ballabhgarh, District Faridabad.

2. The facts in brief of the case are that on 29.09.2023, a medical rukka was received at the Police Station Sadar Ballabhgarh from Life Line Hospital regarding admission of an injury case of victim namely Mahesh Nagar. On receiving the information, the police party reached at the hospital, where the



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injured was found fit for recording his statement to the police and accordingly, injured Mahesh got recorded his statement stating that on 29.09.2023 at about 2:30 p.m., when he along with Prince son of Bhupender were heading towards their village on a motorcycle, a black coloured Baleno car followed them and hit their motorcycle from behind and dragged the motorcycle to a considerable distance. After getting down from the car, the assailants hit the complainant on his right hand and leg with a rod and Prince was also hit on his legs with a rod and even shot at with an intention to kill. The complainant identified the assailants as Sonu Mujeri, Dholy Neemka, Lokesh Mujeri and Lamba from Ballabgarh.

3. Learned counsel for the petitioner *inter alia* submits that no specific injury has been attributed to the petitioner and he has been falsely implicated in this case due to previous enmity between both the parties. He further submits that similarly situated co-accused have been granted the concession of regular bail vide order dated 29.04.2024 (Annexure P-4) passed by a Coordinate Bench of this Court in CRM-M-19526-2024 titled as ***Sumit Kumar @ Sumit @ Kallu vs. State of Haryana***, order dated 22.05.2024 (Annexure P-5) passed in CRM-M-24831-2024 titled as ***Lokesh @ Lokesh Kapasiya Vs. State of Haryana***, order dated 31.05.2024 (Annexure P-6) passed in CRM-M-26914-2024 titled as ***Sonu @ Samay @ Samay Kapasiya*** and order dated 09.09.2024 passed in CRM-M-35452-2024 titled as ***Nitesh Lamba Vs. State of Haryana***. He further submits that the petitioner has undergone actual custody of 01 year and 04 days and there are 13 other cases registered against him and in 11 cases he is on bail.

4. Per contra, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He has filed custody

certify in Court today and the same is taken on record. As per custody



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certificate, the petitioner has undergone actual custody of 01 year and 04 days and is involved in other 13 cases but he is on bail in 11 cases. Learned State counsel on instructions from ASI Channan Ram submits that charges have been framed on 16.07.2024. Out of a total of 19 prosecution witnesses, none has been examined till date. He further submits that there are serious allegations against the petitioner and he is not entitled to the concession of regular bail.

5. Heard the rival submissions made by learned counsel for the parties.

6. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. Admittedly, charges have been framed. Out of total of 19 prosecution witnesses, none of the prosecution witness has been examined. The petitioner has undergone an actual custody period of 01 year and 04 days and is involved in 13 other criminal cases and he is on bail in 11 cases. The co-accused have been granted the concession of regular bail vide order dated 29.04.2024(Annexure P-4) passed in CRM-M-19526-2024, order dated 22.05.2024 (Annexure P-5) passed in CRM-M-24831-2024, order dated 31.05.2024 (Annexure P-6) passed in CRM-M-26914-2024 and order dated 09.09.2024 passed in CRM-M-35452-2024, therefore, this Court is of the considered view that further incarceration of the petitioner will not serve any purpose.

7. As regards the submission of learned State counsel that petitioner is involved in 13 more criminal case, It has been held by the Hon'ble Supreme Court in **Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382** that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in another case. The

relevant portion of the said judgment is reproduced herein-below:-



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“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

8. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (iii) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (iv) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which she is suspected.
- (v) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

9. In case of breach of any of the above conditions, the prosecution shall

be at liberty to move an application for cancellation of bail before this Court.



10. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

11. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

24.10.2024
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No