



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

237

CRM-M-38131-2024 (O&M)

Date of decision: 18.09.2024

Manish @ Bahadur

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Rohit Kumar, Advocate and
Mr. Aadeyant Parmar, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.37 dated 27.09.2021 under Sections 120-B, 148, 149, 201, 302, 307 and 427 of the IPC registered at Police Station Sector-7, Panchkula.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 28.09.2021 and till date only 09 prosecution witnesses out of the 39 cited, have been examined. Furthermore, both the material witnesses i.e. the complainant and Anand Singh, who allegedly also witnessed the crime in question, had not supported the case of the prosecution as a result of which they were declared hostile during trial. In support, learned counsel has drawn the attention of this Court to the depositions of both the material witnesses which have been annexed as Annexures P-2 and P-3. Learned counsel,



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thus, prays that in the circumstances, further incarceration of the petitioner would serve no useful purpose as 30 prosecution witnesses still remain to be examined.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, has reiterated the allegations levelled in the FIR which has been annexed as Annexure P-1 and stands reproduced hereiunder:-

“Copy of the statement as follow that statement of Rinku s/o Suraj Bhan R/o H.No. 152 Power Colony, Phase-2, Sector- 19 aged about 32 years mob. 77430-52202; stated that I am the resident of above-mentioned address and doing the work of sale purchase of second hand cars. On the night of 26.09.2021, I alongwith my partners Rinku s/o Amarjeet resident of Ropar and Anand resident of Himshikha Colony, Panchkula, were coming towards Majri Chowk from Simran Hotel, Mamta Enclave, Zirakpur after getting meal, in my car i10 No. HR05-6636. When we stopped near the bus stop Majri Chowk, then at about 11:30 PM two cars and two motorcycles were came and stopped near our car, from which about 10/12 person came out and they have Sword, Gandasi and Wooden Sticks (Dande) in their hands who started damaging my car with their weapons, so we three came out from the car and ran away to save our lives, so one boy out of them namely Sekhar resident of Maheshpur raised "Lalkara" that they all of these should not alive, finish them off today. Boys came with them Joni @ Pardeep resident of Khadak Mangoli presently resident of Handesra, Pappi s/o unknown resident of Aashiyana Sector 20, Vakili s/o Unknown resident of Khadak Mangoli, Manish @ Bahadur s/o Jagbir resident of Khadak Mangoli, Babbi resident of Fatehpur Sector 20, Panchkula, Bada Bahadur s/o Mangu resident of Khadak Mangoli and 7/8 other boys whom I would identify them if they brought before me, they gave injuries on the face and head of the Rinku s/o Amarjeet with their weapons after attacking by surrounding him and we ran towards colony to save our lives then I seen while running, Rinku was lying down and they all attacking him with their weapons. At that time, we entered in Khadak Mangoli to save our lives, when we came back on the spot after about 10/15 minutes, we saw that Rinku was lying on the earth in died condition and huge amount of blood was spread over the spot. Rinku s/o



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Amarjeet was killed by above said persons with Sword, Gandasi and Wooden Sticks (Dande). That this incident was committed by the abovesaid persons due to our old enmity. Legal action kindly be taken against all of them. Sd/- Rinku Kumar 77430-52202”

4. It has been argued by the learned State counsel that the petitioner was specifically named in the FIR in question which is based on ocular testimony of the complainant and a specific role also has been attributed to him of inflicting injuries on the person of the deceased with a stick. However, learned State counsel, on instructions, has not controverted that both the material witnesses while stepping into the witness box had indeed been declared hostile qua the petitioner only. The stage of the trial as well as the custody period of the petitioner has also not been disputed by the learned State counsel, on instructions.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. The case in hand is based on eye witness account. Both the material witnesses stand examined and have been declared hostile during trial qua the petitioner. The trial is unlikely to conclude in the near future as 30 prosecution witnesses still remain to be examined. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed



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to be an expression of opinion on the merits of the case.

8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

9. Pending applications, if any, stand disposed of.

18.09.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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