



CRM-M-48313-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-48313-2024 (O&M)

Date of Decision: 11.12.2024

Manish @ Monu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**Present:** Mr. Surender Saini, Advocate for the petitioner.

Mr. Naveen S. Panwar, DAG, Haryana.

MAHABIR SINGH SINDHU, J.

Present second petition has been filed, under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of bail pending trial in FIR No. 385 dated 04.11.2021, under Sections 323, 324 and 302 read with Section 34 of the Indian Penal Code, 1860, and Section 25 of Arms Act, 1959 registered at Police Station Civil Lines, District Sonipat.

2. Above FIR was got registered on statement of *de facto* complainant-Shyam Singh with allegations that petitioner along with his co-accused-Mohit @ Lima in furtherance of their common intention gave knife blows to his son Gaurav and that resulted into his death.

3. Contends that petitioner is in custody since 04.11.2021 and ASI Chand Singh-Investigating Officer is not coming forward to depose before learned trial Court. Further contends that father of petitioner, who was also an accused, has already expired. Also contends that as per prosecution case itself, no injury has been attributed to the petitioner; except, planted injury to Shyam Singh-PW1.

4. *Per contra*, learned State counsel vehemently opposed the



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and he actively participated in the commission of crime. Again submits that co-accused Mohit @ Lima gave two knife blows to the deceased and petitioner inflicted *danda* blow to the PW-1-Shyam Singh. Further submits that in view of the gravity of offence, wherein a young man of 21 years lost his life, petitioner does not deserve the concession of bail. Lastly submits that trial is in progress and in case petitioner is released on bail, there is every likelihood of influencing the prosecution evidence and that shall hamper the fair trial.

- 5. Heard learned counsel for the parties and perused the paper-book.
- 6. It is not in dispute that petitioner is in custody for the last about 3 years; however, learned State counsel has raised a strong apprehension that in case petitioner is released on bail, he may influence the prosecution witnesses and, thus, hamper the trial. Still further, taking into consideration, the role of the petitioner as well as the injuries allegedly caused to deceased, this Court is not inclined to entertain the petition, at this stage.
- 7. Consequently, there is no option, but to dismiss the petition.
- 8. Ordered accordingly.
- 9. The above observations may not be construed as an expression of opinion on merits of the present case in any manner.
- 10. Pending application(s), if any, shall also stand disposed off.

11.12.2024 (MAHABIR SINGH SINDHU)
Rajeev (rvs) JUDGE

Whether speaking/reasoned	No
Whether reportable	No