



In The High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-50086-2024 (O&M)
Date of Decision:- 23.10.2024

Mukesh @ Prince ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. B.S.Chahal, Advocate with
Mr. Sukhwinder S. Aviraj, Advocate, for the petitioner.

Mr. Neeraj Sheoran, DAG, Haryana.

Mr. Abhishek Jindal and Mr. Mithun Kumar, Advocates,
for the complainant.

FIR NO.	DATE	POLICE STATION	OFFENCES
251	15.07.2020	City Sohna, District Gurugram	307 IPC and Section 25, 54, 59 of Arms Act (Sections 302, 148, 216, 201, 120-B IPC added later on)

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned FIR.
2. The FIR in question was lodged at the instance of Kuldeep (brother of deceased Manoj Kumar) wherein it is alleged that on 15.7.2020, his brother Manoj Kumar had gone to Krishna Hospital, Sohna,



Gurugram for treatment of his daughter. At about 4.30 pm, the complainant received a telephone call from his brother Dhanraj who informed the complainant that some unknown persons had fired at Manoj Kumar. Although, the complainant's brother was taken to hospital, but he succumbed to his injuries on 12.08.2020. It is further the case of prosecution that one Pushkar was arrested in this case who suffered a disclosure statement to the effect that petitioner was one amongst the 5 shooters who had fired at Manoj Kumar leading to his death.

3. Learned counsel for the petitioner submits that he is nowhere named in the FIR and as a matter of fact he is not even visible in the CCTV footage collected from near the place of occurrence. It has been submitted that the petitioner came to be nominated on the basis of a disclosure statement made by co-accused Pushkar, the evidentiary value of which would be debatable particularly when there is no other clinching evidence to establish the involvement of the petitioner. It has been submitted that the petitioner has been behind bars since the last about 4 years and since the matter is still at trial stage, he deserves the concession of bail.
4. Learned State counsel assisted by learned counsel for the complainant have vehemently opposed the petition. Learned counsel for the complainant submitted that since co-accused have specifically named the petitioner, his complicity is clearly evident. It has been submitted



that the petitioner is part of Ashok Rathee Gang and is a seasoned criminal and as such it will not be in the societal interest to grant him bail.

5. Learned State counsel has however, informed that the petitioner as on date has been behind bars since the last 3 years and 10 months and that as on date 25 out of cited 55 PWs have been examined. It has also been informed that the petitioner otherwise is not involved in any other case.
6. This Court has considered rival submissions addressed before this Court.
7. Without commenting anything as regards merits of the case, but having regard to the long custody period of the petitioner and also the current stage of the trial which indicates that conclusion of trial is likely to consume time and while also bearing in mind that the petitioner enjoys a clean record, further detention of the petitioner would not be justified. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

23.10.2024
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No