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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision: 16.10.2024

(I) CRM-M-55476-2023

RAJESH KUMAR

...Petitioner(s)

VERSUS

STATE OF HARYANA

...Respondent(s)

(II) CRM-M-7798-2024

MANJEET ALIAS MONU

...Petitioner(s)

VERSUS

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

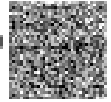
Present:- Mr. Sanjiv Kumar Aggarwal, Advocate
for the petitioner in CRM-M-55476-2023.

Mr. Yuvraj Singh Chauhan, Advocate
for the petitioner in CRM-M-7798-2024.

Mr. Gaurav Jindal, Addl. A.G., Haryana.

JASGURPREET SINGH PURI, J. (Oral)

1. Both the petitions are taken up together for final disposal with the consent of learned counsels for the parties since both the petitions arise out of the same FIR and the prayer in both the cases is for the grant of regular bail.

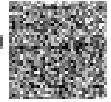


2. Both the petitions have been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioners in FIR No.116 dated 23.02.2022, under Sections 364, 302, 201, 404, 120-B and 34 of the IPC, registered at Police Station Ganaur, District Sonapat, Haryana.

3. CRM-M-55476-2023 is a second regular bail petition, whereas CRM-M-7798-2024 is a first regular bail petition and as per the learned counsels for the petitioner in CRM-M-55476-2023, the first petition was dismissed as withdrawn.

4. Learned counsel for the petitioner-Rajesh Kumar submitted that the petitioner is in custody for 2 years and 7 months and he has clean antecedents and is not involved in any other case. He further submitted that the petitioner has been falsely implicated in the present case and rather in the FIR, 6 accused persons have been named but the name of the petitioner has not been mentioned in the FIR but he has been implicated only by virtue of the fact that his brother, namely, Rakesh, who was one of the co-accused has been named in the FIR and the allegation against the petitioner was pertaining to conspiracy only and even otherwise also now 15 prosecution witnesses have been examined out of total cited 29 prosecution witnesses and rather all the material witnesses stand examined and considering the aforesaid custody of the petitioner and his clean antecedents, he may be considered for the grant of regular bail.

5. Learned counsel for the petitioner-Manjeet @ Monu submitted that the petitioner is in custody for 2 years, 7 months and 20 days and he also has clean antecedents and is not involved in any other case. He further submitted that the petitioner has also not been named in the FIR and it was only on the

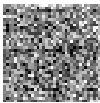


basis of disclosure statement that his name was nominated and the allegation against him was that he had procured petrol from the petrol pump, which was used in destroying the dead body of the deceased, namely, Anil. He further submitted that the petitioner may also be considered for the grant of regular bail on the ground of his aforesaid long custody, his alleged role and the stage of the case, wherein all the material witnesses stand examined.

6. On the other hand, Mr. Gaurav Jindal, Addl. A.G., Haryana submitted that so far as the custody of both the petitioners is concerned, the same is correct and it is also correct that both the petitioners have clean antecedents and they are not involved in any other case nor they were named in the FIR but their names were nominated thereafter on the basis of disclosure statement. He further submitted that so far as petitioner-Rajesh Kumar is concerned, allegation against him was pertaining to conspiracy because he being the brother of one of the co-accused, namely, Rakesh, who was named in the FIR was the mastermind in hatching the conspiracy, which ultimately led to the killing of deceased, namely, Anil, who is the son of the complainant. He further submitted that so far as petitioner-Manjeet @ Monu is concerned, allegation against him was also very serious because he was seen in the CCTV footage taking petrol from the petrol pump, which was used in destroying the dead body of the aforesaid deceased and therefore, he was also involved in the present case.

7. I have heard the learned counsels for the parties.

8. Both the petitioners are in custody for about 2 years and 7 months and they have clean antecedents and are not involved in any other case. Both



the petitioners are not named in the FIR but their names were nominated thereafter on the basis of disclosure statement. The allegation against the petitioner-Rajesh Kumar was pertaining to conspiracy, whereas allegation against the petitioner-Manjeet @ Monu was pertaining to procuring petrol from the petrol pump, which was used in destroying the dead body of the aforesaid deceased, namely, Anil. However, as per all the learned counsels for the parties, all the material witnesses have been examined in the present case.

9. Therefore, considering the aforesaid totality and circumstances of the present case and without observing anything on the merits of the case, this Court is of the view that considering the long custody of the petitioners, their clean antecedents, stage of the trial and also their alleged roles in the present case, they deserve the consession of grant of regular bail.

10. Consequently, both the petitions are allowed. The petitioners shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

11. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petitions only.

16.10.2024
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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