



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

202/1

CRM-M-59057-2023 (O&M)  
Date of Decision: 21.11.2024

Monu

.....Petitioner

Versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

**Present:** Mr. Sukesh Kumar Jindal, Advocate for the petitioner.

Ms. Palika Monga, DAG, Haryana.

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**MAHABIR SINGH SINDHU, J.**

Present second petition has been filed, under Section 439 of the Code of Criminal Procedure, 1973 for seeking bail pending trial in FIR No. 837 dated 10.12.2021, registered under Section 304-B read with Section 34 of Indian Penal Code, 1860 (for short 'IPC') (Section 304-B deleted and Section 302 read with Section 34 IPC added subsequently), at Police Station Old Industrial Area, Panipat, District Panipat.

2. Above FIR was registered against petitioner-Monu on the disclosure of main accused-Shankar with the allegations that he along with co-accused-Shankar hatched conspiracy to kill Ritu-deceased and co-accused offered him a sum of Rs.1 lakh to help him; gave Rs. 3,000/-as advance and thereafter, they strangulated deceased to death with a dupatta.

3. Learned counsel for the petitioner contends that petitioner was granted interim bail by this Court on 14.03.2024 and in pursuance thereof, he is regularly appearing before learned trial Court. Further submits that



hamper the proceedings in any manner.

4. *Per contra*, learned State Counsel, on instructions from quarter concerned, has acknowledged the above factual position and submits that petitioner is regularly appearing before learned trial Court. She also acknowledged that petitioner has not misused the concession of interim bail granted by this Court on 14.03.2024.

5. Heard learned counsel for both the sides and perused the paper book.

6. This Court granted interim bail to the petitioner on 14.03.2024 in the following manner:-

*“ While making reference to the deposition of PW-1-Arjun Singh & PW-2-Ajay (P-4 & P-5), respectively, learned counsel for the petitioner submits that none of the prosecution witnesses has uttered even a single word regarding complicity of petitioner in the present case and he is in custody for the last two years merely being the domestic help of co-accused Shankar (husband of deceased).*

*Custody certificate has been produced. The same is taken on record.*

*Learned State counsel seeks time to file short affidavit regarding complicity of the petitioner.*

*Posted 02.05.2024.*

*In the meanwhile, petitioner be released on interim bail in the present case till the next date of hearing on his furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/Duty Magistrate concerned.”*

7. Learned State counsel has duly acknowledged that petitioner is regularly appearing before learned trial Court and there is no allegation that in case, interim bail is made absolute, he is likely to misuse the concession or hamper the proceedings in any manner. In such a scenario, sending the petitioner to custody at this stage would not serve any purpose.

8. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 14.03.2024, is made absolute. He shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.



9.           Petitioner shall appear on each & every date of hearing and to fully co-operate with learned trial Court without seeking any unnecessary adjournment(s).
10.          The above observations be not construed as an expression of opinion on the merits of the case.
11.          It is clarified that in case there is any misuse of concession by the petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

21.11.2024  
Harish Kumar

(MAHABIR SINGH SINDHU)  
JUDGE

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |