



CRM-M-39899-2024

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(209)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-39899-2024

Date of Decision: 20.01.2025

NEERAJ ALIAS MONU

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Arjun Sheoran, Advocate
for the petitioner.

Mr. Vinay Phogat, DAG, Haryana.

Mr. Sanjay Ghalawat, Advocate
for the complainant.

JASJIT SINGH BEDI, J.

The prayer in this 3rd petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.243 dated 13.05.2015 (Annexure P-1) registered under Sections 307/342/34/195-A/120-B IPC and Section 25 of Arms Act at Police Station Sadar, Panipat.

2. The brief facts of the case are that the FIR came to be registered at the instance of Devender Chawla S/o Kishori Lal Chawla and the same reads as under:-

“Copy of the statement is attached. Statement of Devender Chawla S/o Kishori Lal Chawla resident of Sanoli Khurd, District Panipat and aged about 38 years stated that I am resident of above mentioned address and am doing job in the Post Office of the village. Today on 13.05.2015, at about 9.00 am in the morning, I was at my home. I received an



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information that my brother Mahender Chawla, who is witness in a case against Bapu Asha Ram and Narayan Sai has been shot at by two young boys. At this, I along with my mother and Neeraj etc. of the village lifted my brother, who had received injury on his shoulder and blood was profusely coming out, to Prem Hospital, Panipat. My brother is undergoing operation. My brother has been shot at by two youths riding Pulsar motorcycle with an intention to kill him. Two unknown boys have shot at my brother Mahender in a well planned manner, he being a witness in a case against Asha Ram Bapu and his son Narayan Sai. Strict legal action be taken against all of them. Being a witness, my brother had already received threats. I have read over my statement and the same is correct Sd/- Devender.”

3. During the course of investigation, Nishant Raj S/o Jagdeep Singh, Narayan Sai S/o Ashram, Kartik @ Raju S/o Dular Chander and Neeraj @ Monu (petitioner) S/o Mam Chand and much later, Neelam @ Monu were apprehended. The petitioner is stated to have provided a house to the assailants Suraj @ Amit (not arrested) and Kartik @ Raju (in custody).

Pursuant to the arrest of the petitioner, he was granted the concession of bail by this Court vide order dated 25.10.2018 (Annexure P-4).

Later, on his exemption application having been dismissed, he did not surrender and was declared a proclaimed offender. Subsequently, he came to be arrested in FIR No.226 dated 24.05.2019 registered at P.S. Uday Mandir, District Jodhpur, Rajasthan. He was brought on production warrants in the present case on 16.09.2022 and is in custody ever since.

4. The learned counsel for the petitioner contends that the petitioner had initially been granted the concession of bail as he had been implicated with the aid of Section 120-B IPC only. He had been regularly

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facing trial for almost three years and only on his exemption application having been dismissed, he was declared a proclaimed offender. Now he had been in custody since 16.09.2022. As only 01 of the 69 prosecution witnesses had been examined so far, the trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.

5. On the other hand, the learned State counsel along with counsel for the complainant while referring to the reply dated 11.09.2024 contend that though the petitioner had been granted the concession of bail, he not only committed another offence while on bail in the instant case but also on account of not appearing in Court was declared a proclaimed offender. Therefore, his conduct while he was on bail as also the fact that he had been declared a proclaimed offender were sufficient to decline him the said concession once again. They however, concede that the petitioner was now in custody since 16.09.2022 and that only 01 prosecution witness out of the 69 had been partly examined.

6. I have heard the learned counsel for the parties.

7. Admittedly, the petitioner had initially been granted bail vide order dated 25.10.2018 (Annexure P-4). Though, he was declared a proclaimed offender on 09.09.2021, he was arrested in another case and re-arrested in the instant case on 16.09.2022. He has continued in custody ever since then. Only 01 of the 69 prosecution witnesses have been partly examined. Therefore, the Trial of the present case is not likely to be

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concluded anytime soon. In this situation the further incarceration of the petitioner is not required.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Neeraj alias Monu S/o Mam Chand is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the Trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in the reply dated 11.09.2024.

10. If the petitioner or his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this order.

11. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.2,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from the trial without sufficient cause.

13. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

20.01.2025

JITESH

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