



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-43824-2023 (O&M)
Reserved on 02.04.2025
Pronounced on 27.05.2025

MANJEET
Versus
STATE OF HARYANA
....Petitioner(s)
...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Argued by : Mr. Balraj Gujjar, Advocate for
Mr. Gautam Dutt, Advocate for the petitioner.
Mr. Amrik Narwal, DAG Haryana

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under
Section 439 CrPC for grant of regular bail to the petitioner in the following
case :-

FIR No.	Dated	Sections	Police Station
395	23.09.2022	302 and 120-B IPC; 25 of the Arms Act	Gadpuri, District Palwal

2. It is, *inter alia*, contended by learned counsel for the petitioner
that the petitioner is innocent and has been falsely implicated in this case. He
contends that the petitioner is neither named in the FIR nor in the
supplementary statement nor any specific overt act is attributed to him. He
contends that the allegation against the petitioner is qua hatching the
conspiracy with co-accused Lekhan @ Lekhraj to kill Sandeep @ Govinda.
He submits that the alleged conversation of the petitioner, when produced in



the Court, in the form of pendrive, was found to be blank and even PW-2/Ashwani, who had handed over the recording of such conversation, completely denied about giving any pendrive to the police and in this regard has referred to his testimony (Annexure P-4). He has also placed on record the testimony of complainant-Ombir, who had stepped into the witness-box as PW-1 and denied to recognize the petitioner (Annexure P-3). He submits that the petitioner is in custody since 28.09.2022 and there being nothing on record to connect the petitioner with the alleged offence, prays for grant of concession of bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the status report filed by the State has opposed the petition on the ground that the petitioner had actively participated in the crime by conspiring to kill Sandeep @ Govinda as such, he does not deserve the concession of bail. However, on a query, he has not disputed the fact that the alleged pendrive when played in the Court during the course of trial was found to be blank.

4. Heard learned counsel for the parties and perused the record.

5. After considering the rival contentions and perusing the record, it transpires that the petitioner was arrested on 28.09.2022 on the allegations of having conspired with co-accused Lekhan @ Lekhraj to kill Sandeep @ Govinda by firing. The prosecution had relied upon the conversation of the petitioner, which was produced in Court in the form of pendrive along with the challan. During the course of trial, admittedly, PW-1/Ombir and PW-2/Ashwani were examined. In his testimony PW-1/Ombir had stated that he does not know the present petitioner nor does he know about the



distance of his house from the house of the deceased Sandeep and volunteered to say that the Sandeep was murdered by accused Lekhan @ Lekhraj present in Court. PW-2/Ashwani, who allegedly handed over the recording of conversation to the police, in his testimony denied the same and even during the course of trial, the pendrive so handed over was found to be blank. The petitioner is in custody since 28.09.2022 and out of 25 witnesses cited by the prosecution, only 13 have been examined till date. The criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

6. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

27.05.2025

S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No