

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:167940



237

CRM-M-54328-2025

Date of decision:02.12.2025

Manohar @ Ram Bhagat

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Kunal Muthreja, Advocate for the petitioner.

Ms. Himani Arora, DAG, Haryana.

Manisha Batra, J. (Oral).

1. The instant petition has been filed by the petitioner seeking grant of regular bail in case arising out of FIR No.0038, dated 15.02.2021, registered under Sections 148, 149, 302, 506, 201, 120-B IPC, at Police Station Sadar Kaithal, District Kaithal.

2. The aforementioned FIR was registered on the basis of statement recorded by the complainant–Krishan Dutt on 15.02.2021, alleging that on 14.02.2021, on receipt of a call from his nephew Sandeep that he was surrounded by the petitioner and co-accused in the fields, who are family members of the Hari Kishan, uncle of the victim Sandeep and were initiating to assault him, the complainant rushed towards the fields to stop them. He reached at the spot and found that the petitioner and co-accused had opened an assault upon the victim Sandeep. The petitioner and co-accused Ram Mehar had struck injuries with *gandas* on the person of the victim. The co-accused also tried to assault the complainant and his companions and he

somehow saved his life. The injured Sandeep had succumbed to the injuries sustained at the hands of the petitioner and co-accused. Thereafter they fled from the spot. After registration of the FIR, investigation proceedings were initiated. Post mortem examination of the dead body of the victim was conducted. The petitioner was arrested on 16.02.2021. Co-accused were arrested subsequently. Investigation now stands completed and the petitioner along with co-accused is facing trial for commission of the aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on account of a land dispute between his family and the family of the victim. A false recovery has been planted upon him. Co-accused Rekha, Anita and Illu have been extended benefit of bail. On parity, he too deserves to be given the same benefit. He is in custody for a period of about 04 years and 09 months. The trial will take considerable time to conclude as only 21 out of 35 witnesses have been examined so far. He has clean antecedents. His further incarceration would not serve any useful purpose. It is, therefore, urged that the petition deserves to be allowed.

5. Status report has been filed. It is argued by learned State counsel that there are serious and specific allegations against the petitioner as on account of enmity with the family members of the deceased, he had formed membership of an unlawful assembly with the co-accused and in prosecution of common object thereof, had voluntarily caused injuries to the victim, thereby causing his death. Specific injuries had been attributed to him and co-accused Ram Mehar. The trial is going at a proper pace and there is nothing on record to show that there would be any undue delay in conclusion of the same. It is, accordingly, stressed that the petitioner does not deserve to be

released on bail.

6. This Court has heard the rival submissions made by learned counsel for the parties.

7. The petitioner while being member of an unlawful assembly is alleged to have assaulted the victim on the fateful day and caused injuries with *gandasi* which resulted into his death at the spot. The complainant has since been examined and has supported the prosecution version. There are specific allegations against the petitioner. As per learned State counsel, out of total 37 prosecution witnesses, 21 have been examined and 05 have been given up. Therefore, it cannot be considered that there is any undue delay in conducting of the trial. Moreso, it is well settled law that mere long period of incarceration in jail would not be *per se* a ground for grant of bail, if the offence is serious in nature. Reference in this context can be had to the observations made in ***Parmod Kumar Saxena Vs. UOI, 2008(63) ACC (SC), Chenna Boyanna Krishna Yadav Vs. State of Maharashtra, (2007) 1 SCC, 242*** and ***State through CBI Vs. Amaramani Tripathi, 2005(4) RCR (Criminal) 280(SC)***. Taking into consideration the facts as discussed above, no ground for grant of bail to the petitioner is made out.

8. Accordingly the petition is dismissed.

9. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

(MANISHA BATRA)

02.12.2025

harjeet

JUDGE

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No