



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

226

CRM-M-59336-2024

Date of decision: January 8th, 2025

Manjeet

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ankush Dhanerwal, Advocate
for the petitioner.

Mr. Yuvraj Shandilya, Assistant Advocate General, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

This is a second petition filed by the petitioner seeking the concession of regular bail in case FIR No.145 dated 14.04.2022 registered under Sections 302, 323, 506, 34 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, at Police Station Hansi Sadar, District Hisar.

2. It has been contended by the learned counsel for the petitioner that a false and fabricated case has been planted upon him; the petitioner has been in custody since 15.04.2022 and till date the trial has not concluded, hence, on this ground alone, he deserves to be extended the concession of bail.

3. Learned State counsel while vehemently opposing the prayer and submissions made by the counsel opposite has drawn the attention of this Court to the allegations levelled in the FIR, which has been annexed as Annexure P-1 and which stands reproduced hereinunder:

*“Statement of Sukhbir Singh Son of Sadhu Ram, Caste
Jat, Resident of Village Sultanpur, aged about 32 years,*

Mobile no. 9992416997. Stated that i am resident of above said address, doing the work of agriculture. We are residing in our fields along with family members. We are three Brothers-Sisters. Elder one is Kavita, younger one is Rajesh and thereafter i and my brother Sanjay. we are all brothers and sisters are married. on 14.04.2022, at about 7:07 am, There was turn to irrigate the fields. I along with my father Sadhu Ram Son of Neki Ram were proceeding to irrigate the fields, when we reached at the spot, **Manjeet**, Janghar Sons of Jagdish son of Jani ram Akwam Caste Jat, Resident of Sultanpur were already irrigating their fields. the above said three persons came from the side of **Manjeet's** House built in the fields. **Manjeet** was wearing blanket. When i was start irrigating my fields then all of them started fighting with me. Janghar and his father Jagdish caught hold my father Sadhu Ram. **Manjeet** who was hiding rifle in his blanket, fired upon my father which hit on the chest of my father directly. My father fell down on the grounds when i took care of my father and then **Manjeet** gave a butt blow on my head. We raised alarm MAAR DITTA, MAAR-DITTA, **Manjeet** left his rifle and all three of them run away to his house built on the fields, my elder brothers Rajesh And Harkesh Sons of Ram Phal, Caste Jat Resident Of Sultanpur reached at the spot and managed the private vehicle to get the treatment of me and my father Sadhu Ram in govt. Hospital Hansi. the Medical condition was serious and he was referred to Hisar Government Hospital for further treatment. then my brother Rajesh and Harkesh brought me and my father in the civil hospital Hisar for treatment. **Manjeet** was chasing us on his motorcycle no. hr21-m-9384 cd deluxe and reached

*at Civil Hospital Hisar. he tried to scuffle with Rajesh and Harkesh and extended the threat to kill us and Later on left the motorcycle in Hospital and he fled away from the spot. Doctor declared my father namely Dadhu Ram as dead. I was got admitted in the Civil Hospital Hisar for treatment. my father died due to fire arm injury. Strict legal action be taken against **Manjeet**, Janghar and Jagdish.”*

4. It has been argued by the learned State counsel that the present case rests on eyewitness account; the petitioner is the prime accused, who fired the fatal gunshot injury on deceased Sadhu Ram; the complainant is none other than the son of the deceased and while stepping into the witness box as PW-1, the complainant had reiterated the allegations levelled in the FIR in question and supported the case of the prosecution in its entirety. It has also been submitted by the learned State counsel that although the petitioner has indeed been in custody for more than 2½ years, having been arrested on 15.04.2022, however, it was on account of the fact that an application under Section 319 of the Cr.P.C. had been moved by the prosecution seeking to summon certain individuals as additional accused; the said application under Section 319 of the Cr.P.C. had been partly allowed by the learned trial Court on 21.12.2024 and hence, a *de novo* trial had now commenced. Learned State counsel, on further instructions, has submitted that after a *de novo* trial had commenced, the complainant yet again while appearing as PW-1 had reiterated the allegations levelled against the petitioner in the FIR in question and supported the case of the prosecution in its entirety. Learned State counsel has asserted that the ocular testimony finds due corroboration with the medical evidence on

record, which leaves no manner of doubt that the petitioner has not been falsely implicated in the present case as has been vehemently urged by the learned counsel for the petitioner. It has still further been submitted by the learned State counsel that the next date fixed before the trial Court is 16.01.2025 when some of the remaining 26 prosecution witnesses out of the 28 cited are likely to be examined. Learned State counsel has also asserted that since both the material witnesses including the complainant, who allegedly witnessed the crime in question, have already been examined, there is every likelihood that the trial would not take much time to conclude since now only formal witnesses remain to be examined.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. The case of the prosecution is based on eyewitness account. The complainant is none other than the son of the deceased. The FIR in question was lodged promptly after the deceased was allegedly gunned down by the petitioner. The material witnesses while stepping into the witness box have fully supported the case of the prosecution.

7. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the concession of bail to the petitioner.

8. The instant petition stands dismissed.

9. It is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

10. However, learned trial Court is directed to make earnest efforts to conclude the trial at the earliest in view of the long incarceration of the petitioner.

January 8th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No