



CRM-M-65113-2024 1

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

209

CRM-M-65113-2024 (O&M)
Date of Decision:07.03.2025

Manoj Gupta @ Raju

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Prateek Rathee, Advocate for the petitioner.Mr. Ashok Singh Chaudhry, Addl.A.G, Haryana
assisted by ASI Mandeep.

MAHABIR SINGH SINDHU, J.

Present second petition has been filed, under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of bail pending trial to the petitioner in FIR No.770 dated 20.09.2015, registered under Section 302 read with Section 34 of the Indian Penal Code, 1860 (for short 'IPC') and Section 25 of the Arms Act, 1959 (Sections 201 and 120-B IPC added lateron), at Police Station Civil Lines, District Gurgaon.

2. Allegations are that petitioner along with other co-accused in furtherance of their common intention hatched a criminal conspiracy and fired gun shot on *de facto* complainant's nephew, namely, Mohit, resulting into his death.

3. Contends that petitioner is in custody since 06.12.2023; final report under Section 173 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C') was presented on 10.02.2024; charges have been framed by

learned trial Court on 20.04.2024, but out of total 49 prosecution witnesses,



CRM-M-65113-2024 2

only 5 have been examined so far. Further contends that five of the co-accused have already been acquitted by learned Sessions Judge, Gurugram on 06.01.2021 (P-3). Above all, *de facto* complainant during cross-examination specifically deposed before learned trial Court that he did not raise any suspicion regarding the involvement of petitioner in the alleged occurrence.

4. *Per contra*, learned State counsel vehemently opposed the prayer while submitting that allegations against the petitioner are serious in nature; thus, he does not deserve the concession of bail pending trial at this stage.

5. Heard both sides and perused the paper-book.

6. Concededly, petitioner is in custody since 06.12.2023; final report under Section 173 Cr.P.C was presented on 10.02.2024 and charges were framed on 20.04.2024; but out of total 49 prosecution witnesses, only 5 have been examined till date. Also to be noticed that five co-accused have already been acquitted by learned Sessions Judge, Gurugram on 06.01.2021(P-3). Moreover, it is not the objection raised by the State that in case, petitioner is released on bail, he shall influence the witnesses or hamper the course of trial in any manner; thus, further incarceration of the petitioner would not serve any purpose.

7. Consequently, present petition is allowed; petitioner shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8. Petitioner shall appear on each & every date of hearing and to fully co-operate with the learned trial Court without seeking any unnecessary adjournment(s).

9. The above observations may not be construed as an expression



CRM-M-65113-2024 3

of opinion on the merits of the case.

10. It is clarified that in case there is recurrence or any misuse of concession of bail on the part of 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.

07.03.2025

Rajeev (rvs)

**(MAHABIR SINGH SINDHU)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No