

2025:PHHC:023438



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

217.

CRM-M-34412-2024

Date of decision: 18.02.2025

Munna Pandit @ Pawan

...Petitioner

Versus

State of Haryana

...Respondent

217/2.

CRM-M-44180-2024

Vikas alias Vicky

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Anand Bishnoi, Advocate for
Mr. Talim Hussain, Advocate, for the petitioner in
CRM-M-34412-2024.

Mr. Sanjeev Majra, Advocate, for the petitioner in
CRM-M-44180-2024.

Mr. Rajat Gautam, Addl. A.G., Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioners, in both the petitions, detailed hereinabove, are seeking the concession of regular bail, under Section 439 of Cr.P.C., in case FIR No.431, dated 04.06.2018, under Sections 307, 34 of IPC (Section 120-B of IPC added lateron) and Section 25 of Arms Act, 1959, registered at Police Station Sadar Gurgaon, District Gurugram.

Since both these petitions have arisen out of the same FIR, they are being taken up together for disposal by this common order.

On the last date of hearing i.e. 19.09.2024, the following order was passed in CRM-M-34412-2024:-

“Learned counsel for the petitioner, at the outset, submits that the false implication of the petitioner in the crime in question is evident from the fact that all the co-accused who too were alleged to have participated in the crime in question had faced trial and earned an acquittal vide judgment and order dated 6th August, 2024. Learned counsel submits that in the circumstances it is evident that the petitioner too is innocent and deserves to be extended the concession of bail. On a pointed query put to the learned counsel as to why the co-accused had been acquitted while the petitioner was still facing trial, he has fairly conceded that the petitioner was declared a proclaimed offender on 18th January, 2020 and was re-arrested on 22nd October, 2023. Learned counsel has submitted that since not only investigation is complete and charges also framed, the petitioner be enlarged on bail, more so, when none of the 33 prosecution witnesses have been examined till date.

Per contra, learned State counsel while opposing the prayer and submission made by the counsel opposite has placed on record custody certificate of the petitioner which is taken on record subject all just exceptions. Learned State counsel has, at the outset, drawn the attention of this Court to the custody certificate and asserted that in view of the involvement of the petitioner in multiple cases which includes heinous offences like dacoity, murders, theft Arms Act and cases under the NDPS Act etc., the petitioner does not deserve to be enlarged on bail, more so, when it is a matter of record that he had absconded and had been declared a proclaimed offender in the instant case. Learned State counsel has still further argued that there are serious allegations against the petitioner who along with his accomplices had fired upon the complainant, who had a providential escape. However, soon thereafter, he was gunned down by all the accused. Learned State counsel submits that in case the petitioner is enlarged on bail, there is every likelihood that he could intimidate the witnesses or even abscond. Learned State counsel, has, on instructions, submitted that the next date fixed before the trial Court is 5.10.2024 when the prosecution evidence is likely to commence.

In the circumstances, adjourned to 28.11.2024.”

Learned State counsel, on instructions, has not disputed that it is a case of no injury; it has also not been disputed that the co-accused, who faced trial during the period when the petitioners had absconded, had been acquitted by the learned trial Court vide judgment and order dated 06.08.2024. However, it has been asserted by the learned State counsel that although in the FIR in question, the complainant had a providential escape, however, subsequently in another occurrence involving the same parties, the complainant in the present case was gunned down. The petitioners were facing trial for the murder of the complainant in the other FIR.

On a pointed query, learned State counsel, on instructions, has submitted that the petitioners are in custody in the other case which stands registered against them under Sections 302 and 120-B of IPC in FIR No.562, dated 01.08.2018, at Police Station Sadar, Gurugram. Learned State counsel submits that in the present case, after the petitioners were re-arrested on 22.01.2024, 07 prosecution witnesses out of 33 cited have been examined and the next date fixed before the trial Court is 03.03.2025.

Learned counsel appearing on behalf of petitioner in CRM-M-34412-2024, however, submits that as per the reply filed by the State, only 04 prosecution witnesses have been examined, with 29 remain to be examined.

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

The likelihood of the trial concluding in the near future seems remote as 29 prosecution witnesses still remain to be examined. It is a case of no injury; the petitioners were not said to have been present at the time of alleged occurrence and had allegedly hired certain persons to carry out the crime in question. It is also a matter of record that the petitioners are already facing trial in FIR under Sections 302, 120-B of IPC, in which, they are still in custody.

Be that as it may, in the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioners.

Accordingly, the instant petitions are allowed and the petitioners be admitted to bail on their furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

Needless to add, in case the petitioners misuse the concession of bail granted to them, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

February 18, 2025
sanjeev

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