

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

2025:PHHC:027401



(226)

CRM-M-56150-2024

Date of Decision: 25.02.2025

Mandeep @ Bajrangi

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present:- Mr. D.S. Gandhi, Advocate for the petitioner.

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

MANJARI NEHRU KAUL.J (Oral)

The petitioner is seeking the concession of regular bail, filed under Section 439 of Cr.P.C., in case FIR No.401, dated 11.07.2024, under Sections 103(1), 61(2) of BNS and Section 25 of Arms Act, registered at Police Station, City Hansi, District Hisar.

Learned counsel for the petitioner has reiterated the submissions advanced on the previous date of hearing, emphasising that the petitioner had no direct or indirect motive to participate in the murder of Ravinder Saini (hereinafter referred to as 'the deceased'). It is contended that the only role attributed to the petitioner is that he conveyed a message, which he had himself received from co-accused Vikas @ Kashi to co-accused Vikas @ Vicky, who was lodged in Hisar Jail at the relevant time. The message purportedly indicated that “the work would be carried out”.

It is further argued that the prosecution case is based entirely on circumstantial evidence, and no overt act or injury has been specifically

attributed to the petitioner. His alleged involvement surfaced solely on the basis of a disclosure statement made by co-accused Vikas @ Vicky, who, on the date of the incident was already in judicial custody. Moreover, learned counsel submits that the investigation is complete, charges have been framed, and out of the 51 prosecution witnesses cited, only 2 both of formal nature, have been examined so far. Given the slow pace of the trial, further incarceration of the petitioner, therefore would serve no useful purpose.

On a pointed query, learned counsel for the petitioner has submitted that the petitioner has no previous criminal antecedents.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel for the petitioner has not disputed that the petitioner has been in custody since 16.07.2024 and that, post-framing of charges, only 2 formal witnesses have been examined. It is further not disputed on instructions that the petitioner has not been assigned any direct role in causing injuries to the deceased. The sole allegation against him as per the learned State counsel, as emerging from the disclosure statement of co-accused Vikas @ Vicky, is that he relayed a message from co-accused Vikas @ Kashi to Vikas @ Vicky regarding the execution of the alleged crime. It is also not disputed on instructions that the petitioner is not involved in any other criminal case. However, the learned State counsel maintains that even if the petitioner did not actively participate in the commission of the offence, he was part of the conspiracy. Furthermore, learned State counsel has reiterated the allegations levelled in the FIR which annexed as Annexure P-1, which stands reproduced hereinunder:-

“Statement of C-Jagdeep Singh No.738/Hansi, Police District: Hansi, Mob, No.8570876099, stated that I am posted as Constable at Police District Hansi. Now, from July,

2023, I am posted as Gunman of Ravinder Saini s/o Bihari Lal R/o Vikas Nagar, Hansi. Ravinder Saini is having his agency of Hero Motorcycles at Hisar Road, Near Bhaiji Hotel. Ravinder Saini is having his residence above the agency where he lives with his family. Today, dated 10.07.2024 at about 06:00 PM, I and Ravinder Saini were sitting in the office of Agency. Ravinder Saini received a phone call on his mobile and while talking on mobile, Ravinder Saini came out of the Show-room. After about 1-2 minute, I heard the sound of firing and immediately, I ran outside and saw that in the adjoining plot of the Agency, Ravinder Saini was lying with his face on the ground and when I turned towards other side and saw that three young boys aged about 25/30 years wearing shirt/trousers. One boy was hanging bag on his back and were seen running towards Hisar on foot and sat on the motorcycles behind other boy who was waiting at some distance and all the four boys ran towards Hisar. That at the same time, after hearing the sound of bullet, Deepanshu s/o Ravinder Saini and nearby people gathered there. When we saw after going near to him, bullets hit on head and back of Ravinder Saini and blood was flowing. Then I and Deepanshu with the help of other people took Ravinder Saini in the same car at GH Hansi where the doctor declared Ravinder Saini as dead. Earlier Ravinder Saini told me that one Vikas Vicky Nindana presently R/o Advocate Colony, Hansi fired bullet in which connection, I submitted complaint and got FIR registered against him in which Vikas @ Vicky got punishment. Due to this reason, Vikas threatened and due to this reason, I got security. Action may be taken against the unknown boys. I have recorded my statement to you, read and found to be correct. Sd/- Jagjeet attested Jagjeet Inspector, SHO P.S. 10.07.2024.”

When specifically queried as to whether any motive has been attributed to the petitioner, learned State counsel has fairly conceded that no such material has come forth, apart from the assertion that he acted as a

mere conduit in passing the aforementioned message.

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

The present case of the prosecution hinges solely on circumstantial evidence. The petitioner has not been assigned any direct role in the commission of the crime nor is he alleged to have inflicted any injury, fatal or otherwise, upon the deceased. Furthermore, no independent material has been placed on record to prima facie establish any motive on the part of the petitioner to participate in the occurrence in question.

The trial is still at a nascent stage, with 49 prosecution witnesses yet to be examined. In the given circumstances, it is unlikely that the trial would conclude in the near future. Therefore, further incarceration of the petitioner would serve no useful purpose, particularly when he has remained in custody for a significant period and has no previous criminal antecedents.

Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his 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 petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

25.02.2025

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No