

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

2025:PHHC:104481



310

CRM-M-27573-2025

Date of decision: 12.08.2025

**Manjit**

...Petitioner

V/s

**State of Haryana**

...Respondent

**CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Akshay Kumar Jindal, Advocate for the petitioner.

Mr. Vishal Singh, AAG, Haryana.

Mr. Punit Malik, Advocate for the complainant.

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**SUMEET GOEL, J. (ORAL)**

1. Present petition has been filed under Section 483 of BNSS for grant of regular bail to the petitioner in case bearing FIR No.88 dated 18.04.2024 registered for the offences punishable under Sections 25(1-B) (a), 29(B) of the Arms Act and Sections 109, 120-B, 302, 341, 216 and 201 of IPC at Police Station Khem Karan, District Tarn Taran.
2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

*“To, the SHO, Police Station Gurugram. Sir, it is requested that I Sanjay Sector-37, Kumar, is a resident of village Khandsa. My father was a retired army man and he used to stay at home. My family had a very old dispute with the residents of our own village's namely Basant Fauji S/O Dharampal, Manjeet S/O Basant, Manish S/O Basant, Kapil S/O Manoj, Kushal S/O Manoj, Lakhani S/O Devendra, Sanju S/O Devender, Mintu S/O Balkishan, Gajender S/O Rambhul, Shastri Deepak S/O Satpal Fauji, Munni Devi W/o Dharampal, Gautam s/o Manbir,*

*Parveen Solanki S/O Rohtash, Manju W/O Basant Fauji, Mohan s/o Dharampal, Monu Chauhan s/o Sukhbir, Tony Bhanja, resident of village Khandsa and Deepak Gurjar, resident of Mohammadpur Jhadsa, Rishant S/O Kushalpal, resident of Begampur Khatola, Kapil UP, who had fought with us earlier also and had threatened to kill. Today on 18.04.2024 at about 02.00 pm my father had left our PLOT for home to eat, during this time Manjeet, Basant, Lakhan, Mintu, Sanju, Kapil, Manish, Kushal surrounded my father and during this time their other friend Dinesh Timmu S/O Suraj Bhan resident of Khandsa came and started firing at my father with the pistol in his hand on their behest. So my father tried to defend himself but he was hit by many bullets. And my father fell unconscious there. A passerby informed about the incident, so I immediately reached the spot and my elder uncle's son Pintu also reached the spot and Lalit S/O Devender Singh also reached there. Then all the people ran away from there. We took my father in our car to Ayushman Hospital. The doctor referred him to Medanta Hospital. When we reached Medanta Hospital with him, the doctor declared him dead. My father died due to the bullets fired by Dinesh alias Timu and the above mentioned people at the behest of Manjeet, Basant, Lakhan, Mintu, Sanju, Kapil, Manish, Kushal. That Basant Fauji, Manjeet, Manish, Kapil, Kushal, Lakhan, Sanju, Mintu, Gajender, Shastri, Deepak, Deepak Gurjar, Rishant, Munni Devi, Tony nephew, Kapil from UP, Gautam, Praveen Solanki, Manju W/o Basant, Mohan, Monu Chauhan all of them have conspired and got my father murdered. Take appropriate action against them. Sd/- SANJAY MOB-8816868208. Police Action Today I, SI was posted as SDO duty in Police Station Sector-37 when the police station received information from Control Room Gurugram that a murder has taken place due to firing near the soap factory in village Khandsa. Reach the spot for action. On which information, I, SI along with the officials ASI Shrikishan 225/GGM, HC Rakesh 358/GGM and SI Balraj 3512/GGM reached the spot where the body of a person was lying soaked in blood at the spot. On enquiring from the persons present at the spot, it was found that the other person injured in the incident,*

*Sunil Kumar S/o resident of Jagroop Singh, Khandsa, has been shot. He has been taken to the hospital. And the body present at the spot is of Dinesh alias Timu son of Suraj Bhan, resident of village Khandsa. The incident and the circumstances of the spot were properly informed to the SHO and higher officials and SEEN OF CRIME TEAM and FINGER PRINT TEAM were made aware of the situation and asked to come to the spot. The SHO and higher officials and C.Bikram 4704 have come present on the spot, who were made aware of the situation, the seen of crime team finger print team has arrived at the spot. Under the instructions of Seen of crime team, the spot and the body of deceased Dinesh were inspected. The SEEN OF CRIME TEAM collected and presented the swabs of both the hands of deceased Dinesh and the blood stains lying near the body, which were taken into police custody by a Memo. From different places from the spot of incident, 4 empty bullets, 1 fired bullet pellet, blood fallen at the spot, a blood stained brick/stone and 2 slippers were collected and taken into police custody by a memo. From the nearby plot of deceased Sunil, a blood stained iron rod and a pistol with an empty bullet stuck in it were found which were collected and taken into police custody by a memo. The body of deceased Dinesh was taken to GH SEC 10 by arranging a private ambulance through C. Vikram 4704. Information was received from MHC police station that another person injured in the incident namely Sunil has died in the same incident. Upon receiving the information, Srikishan, C. I, SI along with ASI Balraj 3512 Medanta Hospital, Gurugram, reached the where they received deceased Sunil's PI and MLC NO-11984 dated 18.04.2024 and a brought dead rukka and outside the hospital, deceased Sunil's son Sanjay met and he submitted a written complaint.*

3. Learned counsel for the petitioner has submitted that the petitioner is in custody since 14.06.2024. Learned counsel for the petitioner further submitted that, *assuming arguendo*, the prosecution version is taken to be correct, the prime role attributed to the petitioner is that of conspiracy. Learned counsel appearing for the petitioner has further

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argued that there is no material available on record alongwith challan which may be recorded that the petitioner was present at the spot when the murder in question took place. Learned counsel for the petitioner has further iterated that the FIR-complainant side has exaggerated the version and had implicated 22 persons as accused, but the police has chosen to file challan only against 8 persons. Thus, regular bail is prayed for.

4. Counsel for the State has opposed the present petition by arguing that the allegations raised are serious in nature and, thus, the petitioner does not deserve the concession of regular bail.

5. Learned counsel for the complainant has argued that the petitioner is accused of committing a serious offence and, in case, he is enlarged on regular bail there is all the likelihood that he may intimidate the prosecution witnesses including the FIR-complainant. Learned counsel for the complainant has further iterated that there is clear evidence, in the form of motive, available against the petitioner, which points to his culpability. He has further argued that the weapon(s) used in offence were actually purchased by the petitioner and he should not be extended the concession of regular bail.

6. I have heard counsel for the parties and have gone through the available records of the case.

7. The petitioner was arrested on 14.06.2024, whereinafter investigation was carried out and challan was presented on 19.07.2024 wherein total 45 witnesses have been cited, out of which none has been examined till date. It is not in dispute that the conclusion of trial will take long time. At this juncture, it would be apposite to refer herein to the *dicta*

passed by the Hon'ble Supreme Court *Javed Gulam Nabi Shaikh vs. State of Maharashtra and another, 2024(3) RCR (Criminal) 494*, relevant whereof reads thus:

*“18. Criminals are not born out but made. The human potential in everyone is good and so, never write off any criminal as beyond redemption. This humanist fundamental is often missed when dealing with delinquents, juvenile and adult. Indeed, every saint has a past and every sinner a future. When a crime is committed, a variety of factors is responsible for making the offender commit the crime. Those factors may be social and economic, may be, the result of value erosion or parental neglect; may be, because of the stress of circumstances, or the manifestation of temptations in a milieu of affluence contrasted with indigence or other privations.*

*19. If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under [Article 21](#) of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. [Article 21](#) of the Constitution applies irrespective of the nature of the crime.”*

The rival contentions of the learned counsel for the parties; as to whether the petitioner has been falsely implicated into the FIR, shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage lest it may prejudice the rights of either of the parties. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the remaining prosecution evidence.

As per the custody certificate dated 06.08.2025 filed by the learned State counsel, the petitioner has suffered incarceration for more than 1 year and 1 month. Further, as per the said custody certificate the petitioner is shown to be involved in three other cases under Section 138 of NIA and the petitioner is stated to be involved in another FIR under Section 302 of IPC, in which he was acquitted vide judgment dated 25.07.2018. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*; a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in *CRM-M No.38822-2022* titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.

Suffice to say, the further detention of the petitioner in custody is not required in the facts and circumstances of the case.

8. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.

- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

9. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

10. Ordered accordingly.

11. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

12. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

**(SUMEET GOEL)**  
**JUDGE**

August 12, 2025

*Naveen*

Whether speaking/reasoned:  
Whether reportable:

Yes/No  
Yes/No