

2025:PHHC:084768



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

**CRM-M-21029-2025  
Date of Decision: 14.07.2025**

Manoj @ Golia ... Petitioner

Versus

State of Haryana ...Respondent

**CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

**Present:** Mr. Rakesh Nehra, Senior Advocate with  
Mr. Harsh Sharma, Advocate and  
Mr. Devesh Nehra, Advocate and  
Mr. Bindu Tanwar, Advocate  
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Mr. Ravinder Phogat, Advocate  
for the complainant.

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**RAJESH BHARDWAJ, J. (ORAL)**

1. Petitioner has approached this Court by way of present petition praying for granting regular bail in case FIR No.137 dated 07.05.2023 (Annexure P-1) under Sections 302/34/120-B of IPC, 1860 and Sections 25/54/59 of the Arms Act, 1959, registered at Police Station Siwani, District Bhiwani.

2. Succinctly facts of the case are that Ghasiram son of Rulichand lodged a complaint with the Police, wherein, it was alleged that his brother Naresh had a fight with Ashwani of village Biran on 30.11.2022 and case was registered against him, but he was absconding. The complainant came to know that his brother was living with Azad Singh in village Naloi and due to living of his brother with Azad Singh, Vikram @ Mukesh @ Ganni, Manoj @ Goliya

(petitioner) and Satbir were nurturing grudge against him. On 06.05.2023, when the complainant was at home at about 7:30 p.m., he got the information that his brother Naresh was shot several times near Gurera Mod, Siwani and he was asked to reach there quickly. He reached the place of occurrence and found his brother Naresh shot dead by bullet injuries. Request was made to take legal action against the culprits. On the basis of the complaint, the FIR was registered and the investigation commenced. During the investigation, statement of Azad Singh was recorded by the police where he named the petitioner along with other co-accused as the assailants. Thus, the petitioner was arrayed as an accused and was arrested on 04.06.2023. The petitioner approached the Court of learned Sessions Judge, Bhiwani praying for grant of regular bail, however, on hearing both the sides, learned Court declined the same vide order dated 03.04.2025. Hence, the petitioner is before this Court by way of filing the present petition praying for grant of regular bail.

3. It has been vehemently contended by learned Senior counsel for the petitioner that the complainant in the present case is not an eye-witness rather he has come to know about the incident on the basis of the statements made from his personal sources and thus, his evidence is hearsay evidence. He submits that Azad Singh has been made eye-witness by the prosecution, however, he himself is a history-sheeter and is facing prosecution in 21 cases. He submits that Azad Singh was examined before the trial Court as PW1 and on his statement, the prosecution filed the application under Section 319 Cr.PC for summoning Satbir, as additional accused. This application filed by the prosecution had been allowed by the trial Court vide order dated 03.02.2025 (Annexure P-8). He submits that now after summoning of Satbir as additional accused, *de novo* trial has commenced. It is submitted that witness Azad Singh after having recorded his statement has now been declared P.O. and thus it is

advised that *de novo* trial would take sufficient long time. He submits that the deceased himself was facing prosecution in 5 cases and thus, it is evident that the case has been planted upon the petitioner. He submits that there are total 46 prosecution witnesses, who are to be examined by the prosecution in the *de novo* trial. He further submits that in order to falsely implicate the petitioner and to show the recovery of alleged weapon used in the present case, a separate FIR bearing No.289 dated 17.05.2023, Police Station Tosham, District Bhiwani under Sections 186/353/307 of IPC and Sections 25/27 of the Arms Act was registered against the petitioner, however, he has already been acquitted in the above said FIR vide order dated 12.11.2024, which justifies the fabricated nature of recovery shown in the present case.

4. Per contra, learned counsel for the complainant has opposed the submissions made by the learned Senior counsel for petitioner. He submits that eye-witness Azad Singh has specifically named the petitioner as one of the shooters on account of which, the deceased succumbed to injuries.

5. Learned State counsel, on instructions, has opposed the submissions made by counsel for the petitioner. He submits that the petitioner himself is facing prosecution in 12 cases. However, he has not denied the factum regarding the antecedents of the eye-witness Azad Singh and the deceased. He submits that 46 witnesses are yet to be examined. He has placed on record the custody certificate of the petitioner. It reflects that petitioner has suffered incarceration of 02 years & 01 month.

6. After hearing counsel for the parties and perusing the record, it is deciphered that in the present case there are total 46 prosecution witnesses, who are yet to be examined by the prosecution in the *de novo* trial. Custody certificate produced by the State would show that he has completed about 02 years and 01 month as on 13.07.2025. It further reflects that the petitioner is

involved in multiple cases but in ten of the cases, he has been acquitted. However, keeping in view the facts and circumstances of the present case, this Court is of the opinion, petitioner deserves to be granted bail.

7. The veracity of the allegations and counter allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

8. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

9. It is being clarified that in case the petitioner does not furnish bail/surety bonds within a period of one week from today, his custody will not be counted in the present case after one week.

10. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

**14.07.2025**

*Parveen kumar*

**(RAJESH BHARDWAJ)  
JUDGE**

Whether speaking/reasoned :Yes/No

*Whether reportable* :Yes/No