

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

C.R.M-M No.22516 of 2015 (O&M)

Date of decision : 21.09.2015

Mainpal and another

..... Petitioners

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. R.S Rai, Sr. Advocate
with Mr. Manish Saini and Prashant yadav, , Advocate
for the petitioners.
Ms. Tanu Shree gupta, DAG, Haryana

AJAY TEWARI, J. (Oral)

The petitioners seek grant of regular bail in case FIR No.283, dated 07.10.2014, registered under Sections 148, 149, 323, 324, 325, 326, 302, 303 and 120-B of the IPC, at Police Station Bhondsi, District Gurgaon.

The petitioner is double life convict. The allegation as per the FIR is that the complainant had come to know that the petitioner and other persons had been given a contract for killing the deceased and on the fateful day they alongwith co-accused entered into Phase-I of the jail and killed the deceased.

Learned senior counsel for the petitioners has argued that the statement of the eye witness has been falsified from the CCTV record. On

22.07.2015, an order was passed directing an officer not below the rank of Deputy Commissioner of Police, Gurgaon, to file his affidavit regarding the averments about the absence of the petitioner in the CCTV cameras. Pursuant to that order dated 22.07.2015, an affidavit has been filed. In that affidavit, it has been accepted that in the CCTV coverage of the altercation the petitioner is not seen. It has also been categorically averred that at the time of the altercation, the petitioner was in Phase-II of the jail and was not present in Phase-I at all.

Learned Addl. Advocate General has argued that actually the petitioner is running a Mafia in the jail and he was the one who had been given contract to kill the deceased and his brother was seen in the CCTV footage.

Be that as it may, keeping in view the period of custody already suffered by the petitioner and the fact that the challan has been presented and without commenting upon the merits of the case, I do not deem it appropriate to deny the concession of regular bail to the petitioner. Bail to the satisfaction of the trial Court/Duty Magistrate.

Petition stands disposed of.

(AJAY TEWARI)
JUDGE

September 21, 2015
sachin/kk