

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

CRM No.M-33390 of 2015

Date of decision: 06.11.2015

Mandeep Rana

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Abhinav Gupta, Advocate for the petitioner.

Mr. Yashwinder Singh, DAG, Haryana

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in case FIR No.330, dated 24.10.2014, registered under Sections 148, 149, 323, 324, 302 and 506 IPC, at Police Station Mahesh Nagar, District Ambala.

It is contended that the petitioner is not named in the FIR. The petitioner has been falsely implicated in the present FIR on the basis of disclosure statement of co-accused Rahul Sharma. No recovery was effected from the petitioner. In fact, no role or motive has been attributed to the petitioner. He further states that the petitioner was falsely implicated in another four FIRs, out of which in three, he has been acquitted and in one of the FIR i.e. 88 dated

26.09.2012, the complainant has turned hostile. He further refers to Annexure P-2 to Annexure P-5 to contend that the co-accused of the petitioner have already been granted the concession of regular bail by this Court. Even, the injury which has been caused to the wife of the deceased was with hoe hand (kassi binda). The similarly situated co-accused of the petitioner, Shubham @ Dhayani was admitted to bail by this Court, vide order dated 04.08.2015. The petitioner is in custody since 14.03.2015.

On the other hand, the learned State counsel opposes the prayer of bail and states that the petitioner is a habitual offender and played an active role in the commission of crime. The recovery of the alleged weapon could not be effected as the same was burnt by the petitioner. The challan stands presented, out of total 37 witnesses, 07 witnesses have been examined.

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

Keeping in view the fact that similarly situated co-accused of the petitioner, namely Shubham @ Dhayani has already been enlarged on bail by this Court; the custody period and the fact that out of total 37 witnesses, only 07 witnesses have been examined so far, therefore, it can be safely inferred that the trial is not likely to be concluded in the near future, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to

bail during the pendency of the trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

06.11.2015

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(JITENDRA CHAUHAN)
JUDGE