

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-38455 of 2015

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Date of decision:10.12.2015

Manjit Singh

....Petitioner

v.

State of Haryana

...Respondent

....

Present: Mr. Paramjit Singh Sullar, Advocate for the petitioner.

Mr. Himmat Singh, Assistant Advocate General, Haryana for
the respondent-State.

Mr. Jai Bhagwan Sharma, Advocate for the complainant.

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Inderjit Singh, J.

This petition has been filed under section 439 Cr.P.C. for grant of regular bail in case FIR No.46 dated 26.2.2015 registered for the offences under Sections 148, 149, 452, 302, 506 and 120-B IPC and Section 25 of the Arms Act at Police Station Ladwa, District Kurukshetra.

Notice of motion has been issued in this case.

Mr. Himmat Singh, learned Assistant Advocate General, Haryana has put in appearance on behalf of the respondent-State and Mr. Jai Bhagwan Sharma, learned Advocate has appeared on behalf of the complainant and contested this petition. Police record is also available.

I have heard learned counsel for the petitioner, learned Assistant Advocate General, Haryana appearing for the respondent-State

and Mr. Jai Bhagwan Sharma, learned Advocate for the complainant and have gone through the record.

As per the FIR, co-accused Jaachak struck his motorcycle in the legs of the complainant, namely, Rupinder Singh and a quarrel took place and he gave the threat that his brother and his uncle Harvinder are 'Badmash' and they will teach him a lesson. On the same day at about 1.00 a.m., loud voices came from outside their house. On hearing the voices, they came out from the room and saw that in the courtyard Jabra co-accused was holding revolver in his hand and three-four young boys with muffled faces were with him. The complainant and his mother on seeing the revovler in the hand of Jabra had again closed the door of their room. Complainant's father, who was in the other room, came out and when he was at the door of that room, Jabra straightway fired a shot on the chest of his father. After receiving the gun shot injury complainant's father fell down there and while leaving the place they were saying that they will not spare the whole family. It is also the case of the complainant that Jaachak, Manjit Singh and Harvinder have got attacked their family from Jabra and his companions.

In the present case, the challan has already been presented and charges have been framed. The trial is going on. The complainant's statement has already been recorded as brought to my notice. Neither any role has been attributed to present petitioner Manjit Singh nor he was stated to be present at the time of occurrence. There is only allegation of conspiracy, but there is not direct allegation against the present petitioner.

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As argued the main evidence against him is his confession.

Keeping in view the facts and circumstances of the present case and the fact that the petitioner is in custody since 27.2.2015 and the trial of the case will take long time, therefore, I do not find any ground to keep the petitioner in custody. No useful purpose will be served by keeping the petitioner in custody till the final disposal of the case.

Keeping in view the facts and circumstances of the present case, without discussing the facts of the case in minute detail and without expressing any opinion on the merits of this case, the present petition is accepted and the petitioner is ordered to be released on regular bail on furnishing bail bond in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of trial Court/Duty Magistrate.

December 10, 2015.

(Inderjit Singh)
Judge

hsp