

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

**CRM-M- No. 8332 of 2015 (O&M)
Date of Decision: 15.5.2015**

Manbir Singh

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Bijender Dhankhar, Advocate
for the petitioner.

Mr. M.K.Sangwan, DAG, Haryana.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks bail pending trial in FIR No. 514 dated 28.8.2011 under Sections 302/341/323/148/149 IPC registered at Police Station Assandh, District Karnal.

Notice of motion.

On the asking of the Court, Mr. M.K.Sangwan, DAG, Haryana, accepts notice.

Learned counsel for the petitioner submits that although present one is the third petition under Section 439 Cr.P.C., yet since the petitioner is inside the jail for the last more than two years and he was declared innocent by the investigating agency, he is entitled for the bail pending trial. He further submits that the petitioner was sought to be made an additional accused by summoning him under Section 319 Cr.P.C.. There was a strong motive with the

complainant to falsely implicate the petitioner, as the petitioner was witness against the complainant who was convicted for an offence under Section 307 IPC. He concluded by submitting that since five more witnesses are yet to be examined, trial will not conclude in the near future. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from SI Ram Krishan, P.S. Assandh, submits that out of total 18 PWs, 8 have been examined and 3 have been given up. Thus, only 5 PWs are to be examined and trial is likely to be concluded very soon. He submits that since there is no delay, as such, on part of the prosecuting agency, petitioner is not entitled for the bail, at this stage.

Supporting the arguments raised by the learned counsel for the State, learned counsel for the complainant submits that the petitioner was very much named in the FIR itself. Since there was a specific attribution against the petitioner, he is not entitled for the concession of bail pending trial.

Having heard the learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the rival contentions raised, this court is of the considered opinion that in view of the peculiar fact situation of the present case, petitioner has been found entitled for bail pending trial. It is so said, because the petitioner is inside the jail for the last more than 2 years.

It is also a matter of record that he was declared innocent by the investigating agency. Thereafter, petitioner was summoned

under Section 319 Cr.P.C. In this view of the matter, it seems to be a debatable issue as to whether the petitioner participated in the commission of crime or not.

Without commenting anything further on merits of the case, lest it should prejudice the rights of either of the parties, present petition is allowed. Petitioner is directed to be released on bail pending trial, subject to his furnishing bail bonds/surety bonds to the satisfaction of learned trial court.

Disposed of, accordingly.

(RAMESHWAR SINGH MALIK)
JUDGE

15.5.2015
Ak Sharma