

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

(116)

CRM-M-3636-2016

Decided on: March 17, 2016.

Manjeet and another

.... Petitioners

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Rakesh Nehra, Advocate, for the petitioners.

Mr. C.S. Bakshi, Addl. A.G., Haryana.

M.M.S. BEDI, J (ORAL)

Petitioners alongwith other co-accused, as members of unlawful assembly, had attacked Monu who died on account of having received fire arm injuries.

There are three material witnesses regarding the participation of the petitioners along with others who allegedly having arrived on the spot in two vehicles had fired indiscriminately at the deceased. Three witnesses PW-1 Pawan, real brother of the deceased, PW-2 Sonu, the other real brother of the deceased and PW-3 Reena wife of Sonu (bhabhi of deceased) have already put in appearance before the trial Court. They have been declared hostile, so far as role attributed to the petitioners, as per the prosecution version, is concerned. Statements of said witnesses have been placed on record as Annexures P-4, P-5 and P-6.

Co-accused of the petitioners Sandeep @ Matti and Naseeb, similarly circumstanced, have been granted concession of bail by this Court vide Annexures P-8 and P-9.

Mr. C.S. Bakshi, Addl. A.G., Haryana has contended that all the prosecution witnesses have been examined and the case is fixed for recording of statement of accused under Section 313 Cr.P.C on 05.04.2016.

I have taken into consideration the totality of above said circumstances.

It is a case of version and cross-version. The cross-version has been recorded at the instance of one Mahender.

Taking into consideration the period of detention suffered by petitioner No.1 w.e.f. 25.07.2014 and petitioner No.2 w.e.f. 15.01.2014 and prima facie material available on record pertaining to their culpability and co-accused of the petitioners having been granted concession of bail, they can be granted concession of bail.

Without expression of any opinion on merits of the case, the petition is allowed. It is ordered that the petitioners will be released on bail on their furnishing bail bonds/surety bonds to the satisfaction of the trial Court.

(M.M.S. BEDI)
JUDGE

March 17, 2016
harsha