

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

219(1)

CRM-M-44848-2018

Manjit Singh @ Monu

.....Petitioner

Versus

State of Haryana

.....Respondent

219(2)

CRM-M-44778-2018

Naresh

.....Petitioner

Versus

State of Haryana

.....Respondent

Date of Decision:23.10.2018

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

**Present: Mr. Amit Choudhary, Advocate,
for the petitioner in CRM-M-44848-2018.**

**Mr. Ankit Gautam, Advocate for
Mr. Abhimanyu Singh, Advocate,
for the petitioner in CRM-M-44778-2018.**

Mr. Manish Bansal, D.A.G., Haryana.

HARI PAL VERMA, J.(Oral)

These two identical petitions bearing **CRM-M-44848-2018**
(Manjit Singh @ Monu Versus State of Haryana) and **CRM-M-44778-**
2018 (Naresh Versus State of Haryana), are being decided together, vide
this common order, with the consent of learned counsel for the parties as
both these cases are arising out of the same FIR. However, for the facility
of reference, facts have been taken from **CRM-M-44848-2018 (Manjit**
Singh @ Monu Versus State of Haryana).

Prayer in these petitions filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioners in case FIR No.398 dated 12.11.2017 under Sections 147, 148, 323, 341, 506 IPC (the offence punishable under Sections 325, 307, 302 IPC were added later on), registered at Police Station Bhuna, District Fatehabad.

Learned counsel for the petitioner(s) have argued that in the case is hand, Mulakh Raj has died and the FIR was registered at the behest of his brother Ajit Singh. They have further argued that the petitioners have not been attributed any injury on the person of Mulakh Raj. Moreover, no injury has been attributed to petitioner-Naresh and the injury attributed to petitioner-Manjit Singh @ Monu is on the person of Mohinder Singh, who is an eye-witness, but the injury so inflicted upon him is simple in nature. Petitioner-Manjit Singh @ Monu is in custody since 15.01.2018, whereas petitioner-Naresh is in custody since 26.11.2017.

Learned State Counsel has argued that no doubt there is no specific injury attributed to petitioner-Naresh, but petitioner-Manjit Singh @ Monu has given a 'danda' blow on the person of Mohinder Singh, an eye-witness in the case though that injury is simple in nature. The fact remains that both the petitioners were present at the scene of occurrence and petitioner-Manjit Singh @ Monu has given an injury to eye-witness Mohinder Singh. The case is now fixed for prosecution evidence though no prosecution witness has been examined so far.

I have heard learned counsel for the parties.

Initially, the case was registered under Sections 147, 148, 323, 341, 506 IPC, and it is at a later stage obviously on the basis of investigation, the offences punishable under Sections 325, 307, 302 IPC

were added as Mulakh Raj had died after about 5½ months of the incident. Moreover, co-accused-Rinku @ Palvinder and Devender @ Bintu have been admitted on bail by this Court vide order dated 30.08.2018 passed in CRM-M-36706-2018 (Rinku @ Palvinder Versus State of Haryana) and order dated 24.09.2018 passed in CRM-M-41067-2018 (Devender @ Bintu Versus State of Haryana), respectively. The culpability of the petitioners is yet to be established during trial and there is no specific injury attributed to the petitioners, which has resulted into the death of Mulakh Raj. Petitioner-Manjit Singh @ Monu is in custody since 15.01.2018, whereas petitioner-Naresh is in custody since 26.11.2017 and trial in the case will take a long time as no prosecution witness has been examined so far, therefore, I deem it appropriate to admit the petitioners on regular bail.

Accordingly, the present petitions are allowed and petitioners-Manjit Singh @ Monu and Naresh are admitted on regular bail, subject to furnishing of their bail bonds/surety bonds to the satisfaction of the trial Court.

However, it is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case.

October 23, 2018
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No