

CRM-M-5197-2018

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-5197-2018

Date of Decision: 3rd April, 2018

Mandeep @ Kana

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Raman Chawla, Advocate,
for the petitioner.

Mr. Kuldeep Sharma, DAG, Haryana.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.182, dated 10.05.2016, registered at Police Station Sadar Hansi, District Hisar, under Sections 302, 120-B and 34 of the Indian Penal Code and Section 25/54/59 of Arms Act.

It is the contention of the learned counsel for the petitioner that the petitioner is not named in the FIR and as per the FIR, two persons, who were wearing helmet, came on a motor-cycle and fired at deceased-Rajesh, who was sitting in his car outside the liquor shop. He contends that as per the prosecution, petitioner is the one, who was driving the motor-cycle and therefore, is involved in the commission of offence. Assertion has been

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made that nothing has been recovered from the petitioner and he is in custody since 01.06.2016 with the fact that not even a single prosecution witness has been examined as challan against one of the co-accused is yet to be filed. He prays that the petitioner be, therefore, enlarged on bail during the pendency of the trial.

On the other hand, counsel for the State, on instructions from ASI Surjeet Singh, P.S. Sadar Hansi, submits that it has come in the statement under Section 161 of Code of Criminal Procedure of Virender @ Bholu, who is the partner of the liquor shop, that there was earlier enmity between the petitioner and his family members with that of deceased-Rajesh and that is the motive as to why the deceased was attacked by the petitioner along with his co-accused. He, however, could not dispute the factum that the name of the petitioner is not mentioned in the FIR nor is it stated that he has been identified by any person.

Having considered the submissions made by the counsel for the parties and keeping in view the facts that the petitioner is in custody since 01.06.2016 and the challan against one of the co-accused is to be submitted by the prosecution, the trial has not commenced as yet and especially in the light of the fact that co-accused Naveen has been granted the benefit of regular bail by this Court vide order dated 05.04.2017 passed in CRM-M-10760-2017, titled as 'Naveen Vs. State of Haryana' and another co-accused Narender @ Bittu also has been granted the same benefit by this Court vide order dated 26.05.2017 passed in CRM-M-17205-2017, titled as 'Narender @ Bittu Vs. State of Haryana', the present petition is allowed and the

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petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

Any observation made herein-above shall have no bearing on the merits of the case during the trial in any manner.

3rd April, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No