

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

**Criminal Misc. No. M-54123 of 2018
Date of decision: 21.12.2018**

Mannu Garg @ Monu

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Amandeep Singh, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab
for the respondent-State.

Mr. N.S. Dadwal, Advocate
for the complainant.

Daya Chaudhary, J. (Oral)

The present petition has been filed by petitioner-Mannu Garg @ Monu under Section 439 Cr.P.C. for grant of regular bail to him in case FIR No.276 dated 04.10.2017 registered under Sections 307, 326, 452, 506, 148, 149 IPC and Section 302 IPC added later on at Police Station Daba, District Ludhiana.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR and no specific injury has been attributed to him. The petitioner was named in the supplementary statement made by the complainant and even in that statement too, no role has been attributed to him. Challan has been presented and charges have also been framed. Custodial interrogation is not required. The petitioner is in custody since 04.10.2017. Co-accused of the petitioner, namely, Varinder Kumar @ Bunty Bajwa has been released on regular bail by this Court vide order dated 26.11.2018 passed in Criminal Misc. No. M-29065 of 2018. No other case

is pending against the petitioner. Learned counsel also submits that case of

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the petitioner is on better footings viz-a-viz co-accused, who has been released on regular bail by this Court. Even a single witness has not been examined so far. The trial may take time to conclude and no purpose would be served by keeping the petitioner in custody.

Learned State counsel as well as counsel for the complainant have not disputed the custody period as well as release of co-accused on regular bail but they have opposed grant of regular bail to the petitioner on the ground that in case of Sections 148 and 149 IPC, individual role is not to be seen. The petitioner was member of unlawful assembly.

Heard arguments of learned counsel for the petitioner, learned State counsel as well as counsel for the complainant and have also perused the contents of the FIR and other documents available on the file.

Admittedly, co-accused of the petitioner, namely, Varinder Kumar @ Bunt Bajwa has been released on regular bail by this Court and case of the petitioner is not only at par with his co-accused rather on better footing as neither he was named in the FIR nor any role has been attributed to him. The petitioner has been named subsequently in the supplementary statement. The petitioner is in custody since 04.10.2017.

Accordingly, the present petition is allowed and the petitioner (Mannu Garg @ Monu) is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

21.12.2018
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No