

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-8272-2018

Date of decision: - 15.05.2018

Manjot Singh @ Happy

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Karanvir Singh Khehar, Advocate, for the petitioner.

Mr. Vikas Malik, DAG, Haryana.

Mr. Harish Mehta, Advocate, for the complainant.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.26 dated 14.03.2017, registered under Sections 302, 364, 452, 148 and 149 IPC and Section 25/54/59 of the Arms Act, at Police Station Mansa Devi Complex, Panchkula.

2. It is contended by learned counsel for the petitioner that the petitioner is in custody since 20.03.2017 and he has neither been named in the FIR; nor any material has been shown by the prosecution to connect the petitioner with the commission of the alleged crime. It is also contended that Hockey recovered from the petitioner was sent to the FSL, but no blood stain was found to be detected and even the registration

number of the alleged swift car i.e. PB-27-C-8500, which has been shown to be recovered from the petitioner, has not been disclosed in the FIR.

3. The above factual position is duly acknowledged by learned State counsel, on instructions from S.I. Ramesh Kumar as well as by learned counsel for the complainant, but both learned counsel have opposed the bail application on the premise that it is a cold-blooded murder with pre-planned conspiracy along with other co-accused.

4. Heard learned counsel for the parties and perused the paper-book.

5. Undisputedly, the petitioner is not named in the FIR and during investigation the Hockey was recovered from the petitioner and the same was sent to the FSL, but as per the report of FSL no blood has been detected thereupon. So far as Swift car is concerned, the prosecution has failed to connect the same with the commission of the crime in any manner. Moreover, the petitioner is not the owner of the alleged swift car. There are total 41 prosecution witnesses and till date only five have been examined and as such the trial is likely to take a long time to be concluded and thus, no useful purpose would be served by keeping the petitioner behind the bars any more.

6. Therefore, in view of the abovesaid circumstances, without expressing any opinion on the merits of the case, the present petition is accepted. Petitioner-Manjot Singh @ Happy be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court.

7. The above observations may not be construed as an expression of opinion on merits of the case.

8. It is made clear that the petitioner shall not, in any manner, threaten any of the prosecution witnesses and will fully cooperate with the proceedings before the learned trial Court and shall also abide by the following conditions: -

- (1). That petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence; and
- (2). That petitioner shall not leave India without the previous permission of this Court.

9. In case the petitioner violates any of the conditions imposed by this Court, the prosecution would be at liberty to move an appropriate application for cancellation of this order.

May 15, 2018
naresh.k

(MAHABIR SINGH SINDHU)
JUDGE

Whether reportable?	Yes
Whether reasoned/speaking?	Yes