

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-5995-2019

Date of Decision: 15.02.2019

Manjeet

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Sukesh K. Jindal, Advocate for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

Mr. JS Dahiya, Advocate for the complainant.

RAMENDRA JAIN, J. (ORAL)

Learned counsel for complainant-Satpal, has filed Vakalatnama, on his own, though he has not been impleaded as party. The same is taken on record. Office to tag the same at the appropriate place.

Through this petition under Section 439 Cr.P.C., petitioner-Manjeet, has prayed for grant of regular bail in case FIR No. 33 dated 28.01.2017, registered under Sections 323, 332, 353, 365, 395, 307 and 302 IPC and Section 25 of the Arms Act, 1959, at Police Station Sadar, Sonipat.

According to the prosecution, in the evening of 27.01.2017, the petitioner and his companions, namely, Paramjeet @ Parma, Amarjeet, Ashu, Tobar, Amit, Sumeet and Nitin caused several injuries to

Taqdeer son of the complainant near bus stop of the village and fled away from the spot. Injured Taqdeer was brought home on the advice of the police to take action against the assailants on the next morning. However, in the midnight, four assailants, two of whom were addressing each other as Sumit and Nitin entered the house of the complainant by scaling wall and caused firearm injuries to Taqdeer and 3-4 more persons sleeping in the house, on account of which Sandeep, nephew of complainant died.

Learned counsel for the petitioner *inter alia* contends that petitioner was not named in the FIR, for the second incident. No role has been attributed to the petitioner. He did not fire any shot upon Sandeep-deceased. In fact, co-accused-Manoj @ Bhukhara, had fired shot upon the deceased. Petitioner is in custody since 22.09.2017. Conclusion of trial may take long time. No useful purpose would be served by detaining him in jail. Co-accused of the petitioner, namely; Paramjeet @ Parma, had already granted the concession of regular bail by this Court vide order dated 04.12.2018 (Annexure P-3) passed in CRM-M-43288-2018. Case of the petitioner is on better footing than his co-accused. Thus, treating the case of the petitioner on the same parity as that of his co-accused-Paramjeet @ Parma, he may be released on regular bail.

On the other hand, learned State counsel assisted by learned counsel for the complainant vehemently opposed the submissions of learned counsel for the petitioner.

Considering overall facts and circumstances, but without expressing any opinion on the merits of the case, the petition is allowed.

Consequently, petitioner-Manjeet, is ordered to be released on bail pending trial, on his furnishing adequate bail and surety bonds to the satisfaction of trial Court/Duty Magistrate, concerned.

February 15, 2019
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(RAMENDRA JAIN)
JUDGE

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