

S.No.218

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

CRM-M-7150 of 2019 (O&M)

Date of Decision:23.07.2019

Mandeep @ Punjabi

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Jitender Dhanda, Advocate
for the petitioner.

Mr. Manoj Kumar Sangwan, DAG,
Haryana.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.114 dated 08.09.2017 registered under Sections 148, 149, 302, 323, 458, 285, 460, 120-B IPC and Section 25/27 of Arms Act at Police Station Nathusari Chopta.

Learned counsel for the petitioner submits that the case against the petitioner is concocted only because there had been other cases against him. The Police have involved the petitioner in this case by treating him as a stock accused. Even as per the case of the prosecution, no positive act/injury is attributed to the petitioner qua anybody. Even as per the case of the prosecution, the petitioner was not even present at the place of occurrence. The only role attributed to the petitioner is qua hatching conspiracy for committing the murder. However, even to substantiate this allegation, the Police have not collected any evidence to connect the petitioner to the alleged crime. The only basis for involving the name of the petitioner is the alleged disclosure statement of the co-accused and the petitioner himself. However, pursuant to the said statement as well, no

recovery or discovery has been made from or qua the petitioner. Learned counsel further submits that the other co-accused of the petitioner has already been released on bail. The petitioner is in custody since 03.01.2018. The case is already at the stage of evidence. Therefore, the petitioner is not required for any investigation purposes.

On the other hand, learned State Counsel, being instructed by ASI Ashok Kumar, submits that the petitioner is a hard core criminal. He is facing total 18 cases. Therefore, he should not be released on bail. However, it is not disputed that the role attributed to the petitioner is only qua hatching conspiracy. It is also not disputed that even qua the allegations, except the alleged disclosure statement of the petitioner himself and the statement of his co-accused, there is no evidence on the investigation file; to connect the petitioner to the crime. It is further not disputed that the co-accused of the petitioner has already been released on bail.

As response to the arguments of the learned State Counsel, learned counsel for the petitioner has submitted that; in the cases referred to by the State Counsel, the petitioner has already been acquitted in more than ten cases. In the remaining cases, he is already on bail. The petitioner is not in custody in any other case; except the present one.

In view of the above, but without commenting any further upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

July 23, 2019
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(RAJBIR SEHRAWAT)
JUDGE