

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-10401-2019

Date of decision: 24.05.2019

Manish @ Monu

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Jitender Nara, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

Mr. Anshuman Dalal, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.272 dated 24.07.2017 under Sections 302/34 IPC and Section 25 of Arms Act, registered at Police Station Beri, District Jhajjar.

Learned counsel for the petitioner submits that examination-in-chief of the complainant PW3 Jai Singh has been recorded, which reads as under: -

“Stated that I am resident of above mentioned address. We have five brothers, I, Bijender and Sanjay resides in the same house. Two/three months prior to the occurrence there was some altercation in between Satish and Ishwar sons of Sube Singh with

us. Lateron, compromise was effected in the village itself but the accused Satish and Ishwar kept grudged in their mind. On 24.07.2017, at about 6.00 A.M., my brother Bijender was going to take milk towards plot and I was going from our plot to our residence. There was a distance of 25/30 steps in between us at that time, accused Ishwar, Satish, Naresh sons of Sube Singh came in the street from their plot side and all of them gave Lalkara that Bijender should not survive today. At this accused Satish and Naresh caught hold my brother Bijender and accused Ishwar fired shots on my brother with his gun within my site. I am hue and cry. In the meantime, my cousin Jitender son of Ramphal and Shamsher son of Bhola Ram came at the spot. On seeing the, accused Ishwar, Naresh and Satish fled away from the spot with their respective weapons.

Accused Naresh, Ishwar and Manish are present in the Court today but accused Satish is not present in the Court today however he was present at the time of occurrence and he was not challenged by the police.”

Learned counsel for the petitioner has submitted that thereafter, cross-examination was deferred, as the prosecution has moved an application under Section 319 Cr.P.C., which was however dismissed by the trial Court. It is further submitted that in the statement of PW3 Jai Singh, which is in verbatim to the version given in the FIR, the name of the petitioner is not given and his name was involved after disclosure statement of one of the co-accused was recorded by the police.

Learned State counsel, on instructions from ASI Jagbir Singh, has not disputed the factual position except that pistol has been recovered from the petitioner in another FIR.

Learned counsel for the complainant has additionally argued that the petition i.e. CRM-M-37299-2017 filed by the complainant was disposed of by this Court vide order dated 04.10.2017, with a direction to the police officials to ensure protection of life and liberty of the petitioner (complainant herein) PW3 Jai Singh.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody since 09.08.2017; he is not named in the FIR and conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

It is made clear that in case the petitioner is found misusing the concession of bail or extending any threat to the prosecution witnesses, it will be open for the complainant as well as prosecution to move an application for cancellation of bail.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

24.05.2019
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No