

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

**CRM-M-16149-2019
Date of decision: 12.04.2019**

Mandeep @ Setha

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Neeraj Sheoran, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This 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. 799 dated 12.07.2017, under Sections 148, 149, 307, 302, 120-B of the IPC and Section 25/54/59 of the Arms Act, 1959, registered at Police Station City Panipat, District Panipat.

Learned counsel for the petitioner submits that the petitioner is in judicial custody for the last more than 01 year and 05 months and he is not involved in any other case.

Learned counsel for the petitioner further submits that co-accused of the petitioner, namely Krishan, has already been granted concession of regular bail, vide order dated 15.02.2019 passed by this Court in CRM-M-47008-2018. The operative part of the order reads as under:

“Learned counsel for the petitioner submits that as per the allegations in the FIR, got registered on the statement of one Ram Mehar, it is stated that he has a younger brother namely Rakesh, who was convicted in

the murder case of one Aman Nandi and was on bail. Rakesh was running a cable and furniture shop and at about 11 AM, he along with Jasbir @ Jassa and Sunny left for city in their Scorpio car which was being driven by Rakesh. The complainant got an information that Rakesh was attacked and had suffered fire arm injuries and was taken to General Hospital, Panipat but he died. The other occupant Jasbir @ Jassa also sustained bullet injuries and he was taken to a private hospital.

Learned counsel for the petitioner further submits that petitioner was not named in the FIR and thereafter, the police arrested one of the co-accused, namely Shil Kumar, and in his disclosure, the name of the petitioner surfaced with the allegation that petitioner has provided money to the other co-accused for purchasing weapons.

Learned counsel for the petitioner further submits that petitioner is in judicial custody since 25.04.2018 and four prosecution witnesses have been examined including complainant who has not supported the prosecution version.

Learned counsel for the petitioner further argues that in fact the name of the petitioner has surfaced in the second disclosure of aforesaid Shil Kumar and except the allegation that petitioner has provided money to the accused persons, there is no other role of active participation and nothing was recovered from the petitioner.”

Learned counsel for the petitioner further submits that PW-1 Sunny has not identified any of the accused persons as the assailants who had fired shots on Rakesh and Jasbir @ Jassa. It is further submitted that even injured/witness Jasbir @ Jassa, in his statement recorded under Section 161 Cr.P.C. on 15.07.2017, has not named any person as assailant and has

only stated that some unknown persons have fired upon the Scorpio car which was being driven by deceased Rakesh.

Learned counsel for the petitioner further submits that conclusion of the trial is likely to take a long time and the petitioner is in judicial custody for the last more than 01 year and 05 months.

Learned State counsel, on the basis of the custody certificate filed today in Court, could not dispute the custody period of the petitioner, however, submitted that petitioner is involved in one more FIR under the SC/ST Act.

Learned State counsel, on instructions from ASI Sumit Kumar, could also not dispute that in the statement of both witnesses, Sunny and Jasbir @ Jassa, recorded under Section 161 Cr.P.C., no person is named as assailant.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that one of the co-accused of the petitioner, namely Krishan, has already been granted concession of regular bail and also in view of the fact that petitioner is in judicial custody for the last more than 01 year and 05 month and the conclusion of trial is likely to take a long time, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

12.04.2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*