

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

CRM-M-32298-2018

Date of decision: May 21, 2019

Malkit @ Manjeet

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Rahul Makkar, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This is the first petition filed under Section 439 Cr.P.C. with a prayer for grant of regular bail to the petitioner in case FIR No.104 dated 9.6.2016 under Sections 307/120-B IPC read with Section 34 IPC and Section 25 of the Arms Act, registered at Police Station Bond Kalan, District Bhiwani.

Counsel for the petitioner submits that the petitioner is in custody for the last 02 years, 08 months and 27 days and the conclusion of the trial will take some time. Counsel has further submitted that as per the allegations in the FIR, recorded the statement of the complainant Mangtu Ram, who is residing abroad and had come to his village. His wife, along with two children, is also staying in Italy. One Hari Om, was also staying with him at his house, had developed illicit relations with his wife. On the date of incident, two young boys came inside the house on the pretext of taking his land on lease and when he refused, one of them fired at him from behind and the bullet hit on his waist and he fell down. Counsel for the petitioner further submits that he was attacked in a pre-planned conspiracy

of his wife Priyanka Gupta and Hari Om.

Counsel for the petitioner further submits that co-accused, namely, Ravinder @ Susa and Amit @ Koka have already been granted the concession of regular bail vide order dated 12.12.2017 and 16.2.2018 passed in CRM M-41784-2017 and CRM-M-5181-2018 (Annexures P2 and P3), respectively. Counsel for the petitioner has further submitted that the statement of all the material witnesses have already been record and only the official witnesses are remained to be examined and, therefore, there is no possibility of tampering with the evidence or extending any threat to the witnesses.

Learned State counsel, on instructions from HC Ashok Kumar, has submitted that the pistol was recovered from the petitioner at the place of occurrence and one cartridges case were also recovered.

Without commenting anything on the merits of the case, considering the fact that the petitioner is in custody for the last 02 years, 08 months 27 days; the case is still at the stage of recording of the prosecution evidence; the material witnesses have already been examined and the conclusion of the trial will take some time, the present petition is allowed and petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

The present petition stands disposed of, accordingly.

(ARVIND SINGH SANGWAN)
JUDGE

May 21, 2019
satish

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No