

CRM-M-35010-2020 (O&M)

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

**CRM-M-35010-2020 (O&M).
Decided on: December 21, 2020.**

Manjeet Kumar @ Mittu

.. Petitioner

VERSUS

State of Haryana

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Anmol Verma, Advocate,
for the petitioner.**

Mr.Naveen Sheoran, DAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

Through Video Conference

The present petition has been filed under Section 439 of the Code of Criminal Procedure, seeking regular bail in FIR No.171 dated 12.9.2019, under Sections 302 and 201 read with Section 34 IPC, registered at Police Station Bilaspur, District Yamuna Nagar.

Learned counsel for the petitioner has submitted that in

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the present case the petitioner was not named in the FIR and he was nominated later on the basis of disclosure statement made by co-accused namely Sapna. The allegations which are contained in the FIR are that aforesaid Sapna had a quarrel with her deceased husband namely Ravi Sharma and due to injuries suffered by the deceased in the quarrel he died on the spot. The injury was caused by hitting on the head of the deceased with cylinder by the petitioner who is stated to be in relation with other co-accused namely Sapna.

Learned counsel for the petitioner has submitted that in the present case since the petitioner was nominated on the basis of disclosure statement made by co-accused, therefore, the same would not have any evidentiary value in the eyes of law. He has further submitted that even during the course of trial the complainant himself and the brother of the deceased have deposed that the deceased was having habit of drinking liquor and it was due to quarrel between co-accused namely Sapna and her deceased husband that the deceased had died and the petitioner was falsely implicated in the present case.

On the other hand, the learned State counsel has submitted that the injury was caused by hitting on the head of deceased with cylinder by the petitioner and therefore, the matter being serious in nature, the petitioner should not be granted the concession of regular bail.

Learned counsel for the petitioner has further submitted that in the present case out of 24 witnesses cited by the prosecution 17

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material witnesses have already been examined and the petitioner is in custody since 14.9.2019. He, therefore, prays that the petitioner be released on bail.

I have heard the learned counsel for the petitioner as well as the learned State counsel through video conference.

In the present case admittedly out of 24 witnesses cited by the prosecution 17 material witnesses have already been examined and petitioner is in custody for the last more than 1 year and 3 months. So far as the allegations against the petitioner that he had hit the deceased on his head with a cylinder, are concerned, it is the subject matter of the evidence and is to be established during trial. Further , at the stage of considering the grant of bail the fact that the petitioner was not named in the FIR and was later on nominated on the basis of disclosure statement of the co-accused, would certainly be a relevant factor. The stage of the case and custody period of the petitioner is also a relevant factor. Apart from this, it is not the case of the State that in case the petitioner is released on bail, he would influence the witnesses or tamper with the evidence.

Consequently, considering the totality of the circumstances, I deem it fit and appropriate to admit the petitioner on bail. The present petition is allowed. It is ordered that the petitioner shall be released on bail on furnishing bail bond/surety bond to the satisfaction of the concerned trial Court/Duty Magistrate.

However, anything observed hereinabove shall not be

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treated as an expression of opinion on merits of the case and is meant only
for the purpose of decision of present petition.

December 21, 2020.	JASGURPREET SINGH PURI)
raj arora	JUDGE
Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No