

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-51012 of 2019

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Date of decision:24.01.2020

Monu alias Pinder

...Petitioner

v.

State of Haryana

...Respondent

....

Coram: Hon'ble Mr. Justice Ashok Kumar Verma

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Present: Mr. Sandeep K. Yadav, Advocate for the petitioner.

**Mr. Navdeep Singh, Assistant Advocate General, Haryana for
the respondent-State.**

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Ashok Kumar Verma, J.

The petitioner has filed this fourth petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No. 190 dated 22.04.2018, under Sections 341, 379-B, 395, 397, 307, 506 and 427 of the Indian Penal Code and Section 25 of the Arms Act, 1959 registered at Police Station Mahendergarh, District Mahendergarh.

Learned counsel for the petitioner contends that the petitioner has not been named in the FIR. Neither the petitioner fired any shot nor snatched any of the articles from the complainant. The petitioner is not involved in any other case. There was no material against the petitioner except the so-called disclosure statement of co-accused Kulbir alias Kulbeer. Motorcycle allegedly recovered on the disclosure made by the

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petitioner is in the name of his father. He further contends that the co-accused Kulbir alias Kulbeer and Sombir alias Lala have already been granted the concession of regular bail by this Court vide orders dated 05.02.2019 and 28.08.2019. Also contends that after investigation in the matter, report under Section 173 Cr.P.C. has already been submitted and there are total 26 prosecution witnesses, but only 6 have been examined so far. He further argued that the petitioner has been in custody since 1.5.2018.

The above factual position is duly acknowledged by learned State counsel on instructions from the police official.

I have heard learned counsel for the parties and perused the record.

From the record, I find that co-accused Kulbir alias Kulveer and Sombir alias Lala, whose case stands almost on similar footings, have already been granted the concession of bail by this Court. The petitioner has not been named in the FIR; neither the petitioner fired any shot nor snatched any of the articles from the complainant. He is not involved in any other case. There was no material against the petitioner except the so-called disclosure statement made by co-accused Kulbir alias Kulbeer. The motorcycle allegedly recovered on the disclosure statement made by the petitioner is in the name of his father. Undisputedly, the petitioner is in custody since 01.05.2018 and the report under Section 173 Cr.P.C. has already been submitted. Out of total 26 prosecution witnesses, only 6 PWs have been examined. Thus, the trial of the case is likely to take long time. No useful purpose would be served by keeping the petitioner in custody till

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the final disposal of the case.

Keeping in view the above facts and circumstances, without expressing any opinion on the merits of the case, this petition is allowed. Petitioner-Monu alias Pinder be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, it is made clear that above observations may not be construed as an expression of opinion on the merit of the case pending before learned trial Court.

January 24, 2020.

(Ashok Kumar Verma)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No