

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

**CRM-M-2258-2021 (O&M)
Date of decision: 18.11.2021**

Manish

.. Petitioner

Versus

State of Haryana

.. Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Gautam Dutt, Advocate, for the petitioner.

 Ms. Geeta Sharma, DAG, Haryana, for the respondent.

AVNEESH JHINGAN, J. (Oral)

 This petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No. 0034, dated 28.08.2020 under Sections 302, 120-B, 34 of IPC and Section 25, 54, 59 of Arms Act, 1959, registered at Police Station Gandhi Nagar, Yamuna Nagar, District Yamuna Nagar.

 The brief facts are that as per the allegations in the FIR on 28.08.2020, proprietor of Ganpati Vision (Raghunath Prajapati) was attacked by two young boys. One of them fired shot, as a result of fire arm injury, proprietor, lost his life. During investigation, it revealed that Virender Partap alias Kala Rana and Surya Partap alias Noni had planned the murder. Surya Partap was confined in district Jail Kurukshetra in an another FIR. He was produced on production warrant. During his interrogation, he got recovered list containing the mobile phones from barack No. 4 district Jail Kurukshetra. On the basis of his interrogation, on 07.10.2020 Arun Kumar @ Rindal and Manish Kamboj @ Lakhan (Petitioner) were arrested and on 08.10.2020 co-accused Yogesh Kamboj alias Ronak was arrested. As per the case set up, the petitioner along with other co-accused, two days prior to the incident, were found standing near

the Gurudwara.

Learned counsel for the petitioner submits that the petitioner is in custody since 07.10.2020; the investigation is complete; no further recovery is to be made, his relies upon the fact that the similarly situated co-accused Arun Kumar @ Rindal was granted bail by the Sessions Court on 05.07.2021.

Learned counsel for the State, on instructions from Inspector Nirmal Singh, opposes the prayer for grant of bail. She submits that all the co-accused in a pre-planned manner committed the murder of Raghunath Prajapati. However, she is not in a position to dispute the role attributed to the petitioner as narrated by the counsel for the petitioner.

The investigation is complete. No recovery is made from the petitioner. Similarly situated co-accused was granted bail. It is not the case at this stage of the prosecution that the petitioner was the person who actually shot Raghunath Prajapati.

Considering the custody period and the fact that the conclusion of the trial is likely to take time, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The petition is allowed.

It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

18.11.2021
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(AVNEESH JHINGAN)
JUDGE

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