

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.211

CRM-M-18183-2020

Date of decision: 04.03.2021

Manoj @ Mojja

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Rajesh Duhan, Advocate, for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

* * *

DEEPAK SIBAL, J. (Oral)

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.0047 dated 28.01.2020 registered under Sections 307, 323, 34, 506 IPC and Sections 3(2)(v) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes Act, 1989 at Police Station City Kaithal, District Kaithal.

The petitioner, alongwith his co-accused, is being prosecuted for having caused injuries on Shamsher, Vikram and Tara Chand.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case; the petitioner has been in custody since 17.03.2020; there is no other criminal case in which the petitioner is involved; all the three persons who were allegedly caused injuries by the petitioner and his co-accused have appeared before the Trial Court and turned hostile and that the petitioner's trial in which 11 prosecution witnesses still remain to be examined is likely to take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that even if all the injured persons have turned hostile there is sufficient evidence against the petitioner to convict him and if he is released on bail he may indulge in similar offences.

The petitioner has been in custody since 17.03.2020; there is no other criminal case in which he is involved; all the three persons who were allegedly caused injuries by the petitioner and his co-accused while appearing before the Trial Court have not supported the story of the prosecution and that the petitioner's trial in which 11 prosecution witnesses still remain to be examined is likely to take a long time to conclude especially in the present circumstances when the world is facing the Covid-19 pandemic.

Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Kaithal, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

(DEEPAK SIBAL)
JUDGE

March 04, 2021

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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No