

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-36651-2021 (O&M)
Date of Decision:-16.11.2021

Sandeep ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vishal Nehra, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by SI Puran Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

CRM-33771-2021

In view of the reasons mentioned in the application, the same is allowed and the translated copy of FIR annexed with the application is taken on record.

CRM-M-36651-2021 (Main Case)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.81 dated 23.6.2019 at Police Station Mohana, District Sonipat under Sections 302, 120-B, 34 of Indian Penal Code and Section 25 of Arms Act.

2. The FIR was lodged at the instance of Manjeet, wherein it is alleged that on the day of occurrence he alongwith his brother Sanjeet had gone to *Shani* Temple for distributing *prashad*. While the complainant was coming out of the temple, he saw 3 young boys entering the temple out of whom one was Sandeep, who was carrying a pistol. The other two boys were unknown to the complainant. The said two unknown boys raised a '*lalkara*' exhorting Sandeep to kill Sanjeet. Upon which, Sandeep fired a shot at Sanjeet, who fell down. When the complainant raised alarm, his cousin and other people were attracted to the spot and the accused ran away from the place of occurrence. Although Sanjeet was immediately rushed to hospital but he was declared having been brought dead.
3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that the falsity of the case would be evident from the fact that the complainant as well as the other eye-witnesses i.e. PW-1-Manjeet and PW-2-Manoj did not support the case of prosecution at all when they were examined by the Trial Court and were declared hostile. Learned counsel, in this regard, has drawn the attention of the Court to Annexures P-5 and P-6 i.e. statements of said two witnesses.
4. Opposing the petition, learned State counsel has submitted that since the petitioner is the main accused and is specifically named in the FIR, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last more than 2 years and 4 months and that he stands involved in one more case.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the fact that the material prosecution witnesses i.e. PW-1-Manjeet (complainant) as well as PW-2-Manoj have not supported the case

of prosecution at all and while also noticing that the petitioner has been behind bars for a substantial period of more than 2 years and 4 months, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

16.11.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No