

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

237

CRM-M-36814-2021

DATE OF DECISION: 17.12.2021

MAGANDEEP SINGH @ MANGA

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Vikas Malik, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking regular bail in FIR No.714 dated 15.10.2019, under Sections 120-B, 148, 149, 295, 302, 307, 323, 324, 326, 427, 452, 506 IPC and Sections 25, 54, 59 of the Arms Act and Sections 3 (I), 3(2)(v) and 4 of the SC/ST Act, registered at Police Station Assandh, District Karnal.

Learned counsel for the petitioner contends that an injury with a sword blow is attributed to the petitioner and no motive is attributed to the petitioner. He further contends that eight prosecution witnesses including the complainant (Ravi), who was examined as PW-1, eye-witness, namely Vicky, who was examined as PW-2 and Roshan Baba, who was examined as PW-3 have not supported the prosecution case qua the involvement of the petitioner. Copies of their statements are annexed as Annexures P-3, P-6 and P-7 respectively. He also contends that only official witnesses have to be examined. The petitioner, who is 26 year of age, is in custody for over 2 years and 2 months. He is not involved in any other criminal case.

Learned State counsel, upon instructions from ASI Gaurav,

contends that it is alleged that the petitioner had caused an injury with a sword blow to injured Vicky (PW-2) and sword has also been recovered from him. She also contends that 8 out of 30 prosecution witness have been examined. She is not in a position to controvert the submissions of learned counsel for the petitioner that the material witnesses including the complainant Ravi and injured Vicky have not supported the prosecution case qua the involvement of the petitioner. He is not involved in any other case. She has filed custody certificate which indicates that the petitioner is in custody for a period of 02 years, 01 month and 27 days.

Heard.

In view of the submissions of the learned counsel for the petitioner, especially when no motive is attributed to the petitioner, the petitioner is in custody for over 2 years and 01 month, the Covid-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

17.12.2021

SwarnjitS

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