

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

205

CRM-M-41772-2021

Decided on : 16.11.2021

Manjeet @ Chhota

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

(Through Video Conferencing)

PRESENT: Mr. A. D. S. Sukhija, Advocate
for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (Oral)

The is the first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No. 156 dated 02.06.2021 (Annexure P-1) under Sections 307, 506, 34 of IPC and Sections 25 (1-B) (a) of the Arms Act, 1959 (Sections 387, 120-B, 201 IPC and Section 27(1) of Arms Act 1959 added later on and Section 25 (1-B) (a) of Arms Act, 1959 deleted subsequently) registered at Police Station Farrukh Nagar, District Gurugram, Haryana.

Learned counsel for the petitioner has submitted that the present case is not a case of injury. He has further submitted that the petitioner has not been named in the FIR and even as per the report under Section 173 Cr.P.C., it was one Devender @ Mintu, who was the person alleged of having fired in the air. It is argued that the petitioner has been in custody since 31.07.2021, the challan has already been

presented in this case and there are as many as 10 witnesses out of which none have been examined and even the charges have not been framed as yet and, thus, the trial is likely to take long time. Learned counsel for the petitioner has further submitted that the co-accused of the petitioner i.e. Dinesh has also been granted regular bail by this Court vide order dated 02.09.2021 passed in CRM-M-35345-2021 and another co-accused of the petitioner i.e. Vikas has also been granted regular bail vide order dated 15.09.2021 passed in CRM-M-37324-2021.

Learned State counsel, on instructions from ASI Munni Lal, has submitted that the present petitioner was sitting in the said car as per the case of the prosecution and thus, he does not deserve the concession of regular bail. The other factual aspects, as stated by the learned counsel for the petitioner, have not been controverted.

Keeping in view the above said facts and circumstances, moreso, the fact that the present case is a case no injury and the petitioner has not been named in the FIR and even as per the police report under Section 173 Cr.P.C., the person who had fired in the air was not the petitioner and the petitioner has been inside since 31.7.2021 and there are 10 witnesses out of which, none have been examined and in fact even the charges have not been framed in the present case and the trial is likely to take time, moreso in view of the present pandemic situation, and also the fact that the two co-accused of the petitioner namely Dinesh and Vikas have already been granted regular bail, this Court deems it appropriate to allow the present petition and order for

the release of the petitioner.

Accordingly, the present petition is allowed and the petitioner is directed to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate and subject to his not being required in any other case.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

16th November, 2021

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No