

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

106

CRM-M-44126-2020.

Date of Decision: 14.09.2021

Mandeep Singh @ Chottu

....Petitioner.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. S.S. Mor, Advocate for petitioner.

Mr. Vikrant Pamboo, Deputy Advocate General, Haryana.

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

Status report dated 01.09.2021 has been received from the Trial Court, which is taken on record.

Present petition under Section 439 Cr.P.C is for grant of regular bail to petitioner- Mandeep Singh @ Chottu in case F.I.R. No.231 dated 17.06.2017 under Sections 120-B, 224, 225, 307, 332 and 353 IPC read with Section 34 IPC and Section 25 of Arms Act, registered at Police Station Sector-5, District Panchkula.

Learned counsel for petitioner *inter alia* contends that version, as alleged in the FIR, is totally concocted one and there is no iota of truth therein. He further urges that allegedly on 17.06.2017 police security was deputed to take co-accused namely Deepak @ Toni and Bholu from Central Jail, Ambala to Government Hospital, Sector – 6, Panchkula for providing them necessary medical treatment and allegedly while they were in hospital, three persons sprayed poisonous substance in the eyes of police party and got released co-accused Deepak @ Toni from the police and despite the efforts made by the police, said Deepak @ Toni managed to flee from custody. He further submits

that allegedly when aforesaid Deepak @ Toni and his companions were fleeing away they were chased by the police, meanwhile Deepak @ Toni fired at the police party with intention to kill them. He further submits that petitioner was not named in the FIR and for the first time name of petitioner surfaced in the array of accused in view of disclosure statement rendered by co-accused namely Joginder @ Joga, who has already been admitted to bail by this Court, vide order dated 10.07.2019 passed in CRM-M-27995-2019 (Annexure P-2). He further submits that initially the names of co-accused Sampat Nehra, Deepak Pundir and Shubhamvir @ Mantri surfaced in the array of accused. He further submits that though firing on the policy party is attributed to co-accused namely Deepak @ Toni and Sampat Nehra, however, nobody was injured in the said alleged firing. He further submits that allegedly recovery of one motorcycle has been shown at the instance of petitioner just to create his nexus with the commission of alleged offence, however, said recovery is planted one. He further submits that co-accused namely Satbir Singh has also been admitted to bail by this Court, vide order dated 04.10.2019 passed in CRM-M-36383 of 2019 (Annexure P-3). He further submits that petitioner is languishing in custody since 23.06.2017 and since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that keeping in view seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is in custody since 23.06.2017; that co-accused namely Joginder @ Joga and Satbir Singh have already been admitted to bail by this Court, vide orders dated 10.07.2019 and 04.10.2019 passed in CRM-M-27995-2019 (Annexure P-2) and CRM-M-36383 of 2019 respectively; that since trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner- **Mandeep Singh @ Chottu** is allowed and he is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of Trial Court/Chief Judicial Magistrate/Duty Magistrate, Panchkula, as the case may be.

(LALIT BATRA)
JUDGE

14.09.2021

d.gulati

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No