

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

210

**CRM-M-759-2022(O&M)
Date of decision: 18.04.2022**

MANOJ @ MANOJA

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Lupil Gupta, Advocate
for the petitioner.

Mr. Ashish Yadav, Additional AG Haryana.

VINOD S. BHARDWAJ. J. (ORAL)

The instant petition has been filed under Section 439 CrPC for grant of regular bail to the petitioner in case FIR No.133 dated 08.03.2021 under Sections 147, 149, 323, 325, 506 and 307 of the IPC registered at Police Station City Sirsa, District Sirsa.

Learned counsel for the petitioner has averred that the FIR in the instant case has been lodged on the statement of injured Raj Kumar. It is stated that as per the version recorded in the FIR, the *danda* blow on the head of Nathu Ram attracting Section 307 IPC is attributed to the petitioner during the course of investigation. Even though no such specific injury or role was pointed out at the stage of registration of the FIR. He further submits that co-accused namely Sajjan @ Katta and Vishal Soni @ Vishu have already been extended the concession of regular bail by the Additional Sessions Judge, Sirsa, while another co-accused Rahul was granted the concession of pre-arrest bail by the Additional Sessions Judge, Sirsa vide order dated 25th June 2021, made absolute on 07.07.2021. He

further contends that petitioner has been in custody since 20.08.2021 and the trial has not progressed. It is also pointed out that the petitioner has been nominated as accused in 06 other cases. He has been acquitted in one FIR, while he has undergone sentence in 02 cases. In the remaining 03 cases, he is already on bail.

Mr. Ashish Yadav, Additional AG Haryana submits that the case of the petitioner would not be at par with that of co-accused since injury attracting Section 307 IPC is attributed to the petitioner. It is also pointed out that as the petitioner is involved in other cases, he has criminal antecedents and as such the concession of bail should not be extended to him. It is, however, not been controverted by him that out of 24 witnesses only 01 witness has been examined by the prosecution so far. The period of custody is also not disputed.

I have considered the submission advanced by learned counsel for the parties and have perused the material on record.

Mere registration of other cases cannot be a bar in perpetuity to not grant bail to an accused and to confine an accused in custody. The power to grant or deny bail cannot be adopted as a means of inflicting sentence. Invariably the prosecution is required to make out sufficient grounds as to why an accused has to be detained in custody and why he should not be extended the concession of bail and also to demonstrate that extension of any such indulgence is likely to lead the petitioner-accused either to abscond from the process of law or to interfere in the proceedings relating to administration of justice or by influencing the witnesses. No such apprehension has been expressed or displayed by the respondents from the facts of the instant case. The petitioner has already undergone an actual custody of nearly 08 months and the trial is still at initial stage.

In view of the above, I deem it appropriate to enlarge the petitioner on bail. Accordingly, the present petition is allowed and the petitioner is admitted to

regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of Trial Court/Duty Magistrate, concerned.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of available material.

(VINOD S. BHARDWAJ)
JUDGE

April 18, 2022

S.Sharma(syr)

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