

CRM-M-5049-2022

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

CRM-M-5049-2022
Date of decision: 17.10.2022

Jaibir @ Mannu

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Atul Lakhanpal, Sr. Advocate with
Mr. Arvind Pal Singh, Advocate,
for the petitioner.

Mr. Rupinder Singh Jhand, Addl. A. G. Haryana.

Mr. Mukesh Rao, Advocate,
for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case FIR No.747 dated 05.11.2020, registered at Police Station Barwala, Hisar, under Sections 302, 216, 114, 120-B and 34 IPC and Sections 25 and 30 of the Arms Act, 1959.

Status report dated 06.10.2022, by way of affidavit of the Deputy Superintendent of Police, Law & Order, Hisar, filed in the Registry, is taken on record.

Learned Senior Counsel for the petitioner contends that the alleged occurrence took place on 04.11.2020 at about 7.00 p.m. whereas the above-noted FIR was got registered on 05.11.2020 i.e. after a delay of 16 hours; that at an initial stage, the complainant refused to get the FIR

CRM-M-5049-2022

registered, but subsequently, he had got the above-noted FIR registered, and that the only allegation against the petitioner is that he conspired with the other co-accused, who had committed the murder of Zile Singh, father of the complainant.

Learned Senior Counsel further contends that no recovery was effected from the petitioner; that the petitioner has been in custody since 11.09.2021, and that so far as four other cases registered or pending against the petitioner are concerned, he has been found innocent in FIR No.371 dated 31.10.2020, Police Station Arya Nagar, Rohtak whereas released on bail in two other cases, as stated in para No.15 of the status report. He further contends that challan has been presented and that prosecution witnesses are yet to be examined. On this premise, learned Senior Counsel prays that the petitioner be released on bail.

On the other hand, learned State counsel, assisted by the learned counsel for the complainant, while opposing the grant of bail to the petitioner, submits that as per the prosecution version, the petitioner alongwith the co-accused, namely, Manjeet and Sonu, by hatching a conspiracy, had fired gun-shots, which hit on the nose and abdomen of Zile Singh (since deceased), and that after causing gun-shot injuries to Zile Singh, the petitioner alongwith co-accused had fled from the spot. Learned State counsel submits that the occurrence was also witnessed by Satyawan, who also suffered a statement to the police that the petitioner alongwith co-accused had fired bullets towards his uncle Zile Singh (since deceased).

I have heard the learned counsel for the parties.

The petitioner has been specifically named in the FIR. There

CRM-M-5049-2022

are serious and specific allegations against the petitioner that he alongwith the co-accused had caused gun-shot injuries on the nose and abdomen of Zile Singh, father of the complainant.

Though the petitioner has been declared innocent in another case, yet the fact remains that there are three other cases registered or pending against him. It is not denied for a moment that the period of custody is a relevant factor, but simultaneously the totality of the facts and circumstances of the case and the criminal antecedents are also to be weighed.

Keeping in view the nature and gravity of the offence coupled with the fact that the petitioner is also involved in three other cases, the period of custody of more than 01 year and 01 month, in my considered opinion, melts into insignificance.

Considering the same, at this stage, no justifiable ground is made out to extend the concession of regular bail to the petitioner.

Consequently, the present petition stands dismissed.

17.10.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No