

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(219)

CRM-M-12209-2022

Date of decision: - 29.03.2022

Manpreet

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. V.B. Godara, Advocate,
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of regular bail to the petitioner in FIR No.143 dated 29.04.2019 registered under Sections 147, 148, 149, 302, 323, 427, 452 of the Indian Penal Code, 1860 at Police Station Bhuna, District Fatehabad, Haryana.

Learned counsel for the petitioner has submitted that in the present case, as per the prosecution version, only one specific injury has been attributed to the petitioner and that too on the person of the complainant and not of the deceased. It is further stated that the person who has given the fatal blow with *gandasi* to the deceased is Gaurav @ Gora. It is further argued that co-accused of the petitioner, namely, Birpal

has already been granted the concession of regular bail by this Court, vide order dated 25.02.2022 passed in CRM-M-51295-2021. It is further submitted that in the present case, 22 persons have been arrayed as accused persons and the petitioner has been in custody since 29.01.2020 and there are 31 witnesses, out of which, none have been examined, thus, the conclusion of the trial is likely to take time.

Notice of motion.

On advance notice, Mr. Munish Sharma, AAG, Haryana, appears and accepts notice on behalf of the State and has submitted that he is fully prepared to argue the matter and assist this Court. He has opposed the present petition for grant of regular bail to the petitioner and has submitted that the petitioner was named in the FIR and also been alleged to have inflicted one specific injury upon the complainant and is also involved in one more case under the NDPS Act.

Learned counsel for the petitioner, in rebuttal to the said arguments, has submitted that in the said case, the petitioner has already been granted the concession of bail and has further relied upon the judgment of Hon'ble Supreme Court in ***“Maulana Mohd. Amir Rashadi vs. State of U.P. and another”***, reported as ***2012 (2) SCC 382*** to contend that the facts and circumstances of the present case are to be seen and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in another case. The relevant portion of the said judgment is reproduced hereinbelow:-

“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the

accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

This Court has heard the learned counsel for the parties and has perused the paper book.

It is not in dispute that as per the prosecution case, only one specific injury has been attributed to the petitioner and that too on the person of the complainant and the same is simple in nature and has been inflicted with a stick (*danda*). The injury, which has caused the death of the deceased, has been attributed to Gaurav @ Gora with a *gandasi*. The petitioner has been in custody since 29.01.2020 and there are 31 witnesses, out of which, none have been examined, thus, the conclusion of trial is likely to take time. The co-accused of the petitioner, namely, Birpal has already been granted the concession of regular bail by this Court, vide order dated 25.02.2022 passed in CRM-M-51295-2021 and there are 22 persons who have been arrayed as accused in the present case

Keeping in view the abovesaid facts and circumstances and also in view of law laid down in ***Maulana Mohd. Amir Rashadi's*** case (Supra), the present petition for regular bail is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate and subject to him not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail

granted to the petitioner.

Nothing stated above shall be construed as an 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.

March 29, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No