

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CRM-M-28335-2022
Date of Decision :27.07.2022

Manoj Shukla

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Akashdeep Singh, Advocate for the petitioner.

Mr. R.S. Budhwar, Addl. A.G. Haryana.

Harsimran Singh Sethi, J. (Oral)

Status report has been filed by the learned State counsel in compliance of order dated 12.07.2022 passed by this Court.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.222 dated 05.07.2019 registered under Section 302 of the IPC (Sections 201 & 34 of the IPC added later on) at Police Station Sector 17/18, District Gurugram.

Learned counsel for the petitioner argues that in the present case, the petitioner was nominated in the FIR on the basis of secret information. Learned counsel for the petitioner submits that the evidence, which has come on record so far, collected by the respondents is the disclosure statement of the co-accused only, whereas, during the course of trial, the independent witnesses such as, mother, brother and brother-in-law of the deceased, have not named the petitioner as accused in any manner.

Learned counsel for the petitioner further submits that once nothing has come on record so far to connect the petitioner with the allegations hence, no justifiable reason comes forward so as to keep the petitioner behind the bars during the entire period of trial and therefore, the petitioner may kindly be granted the benefit of regular bail.

Learned State counsel submits that keeping in view the status report filed, though, it is conceded that independent witnesses have not supported the prosecution story but, there is other evidence, which has come on record to show the involvement of the petitioner in the crime. Learned State counsel further submits that keeping in view the said evidence, the petitioner be not extended the benefit of regular bail.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

As per the facts, which have been narrated hereinbefore, the private witnesses have already been examined and 10 official witnesses are yet to be examined. This Court, at this stage, is not opining upon culpability or innocence of the petitioner and the only question is whether keeping in view the facts of the present case, the petitioner should be kept behind the bars or should be released on bail.

As the private witnesses have already been examined and only official witnesses remained to be examined, the apprehension that petitioner might influence the trial does not exist especially, when learned counsel for the petitioner has undertaken before this Court that the petitioner will not obstruct the trial or influence the witnesses, whose statements are yet to be recorded in any manner and in case of default of the above undertaking, the

State will be at liberty to approach this Court for passing appropriate orders hence, the petitioner has made out a case for the grant of regular bail.

Keeping in view the facts noticed hereinbefore as the trial is likely to take some time before it concludes, no useful purpose will be achieved in keeping the petitioner behind the bars hence, the petitioner has made out a case for the grant of concession of regular bail.

Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

July 27, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

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