

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

CRM-M-34805-2022

Date of Decision:-07.09.2022

Manjeet @ Dheela.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Ram Pal Verma, Advocate for the Petitioner.

Mr. G.S. Dhillon, Assistant Advocate General, Haryana.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition under section 439 Cr.PC is for the grant of regular bail in case FIR No.336 dated 09.08.2021 under Sections 148, 149, 307, 323, 452, 506 IPC (Sections 302, 194 IPC and Section 25 of Arms Act have been added later on) registered at Police Station Sadar, Sonipat, District Sonipat.

2. The brief facts of the case are that the FIR came to be registered at the instance of Manjit son of Mehtab Singh who stated that he was an agriculturist and they were five brothers and sisters. The elder brother was Rajesh and younger Manjit. The elder sister was Asha, younger to her was Renu and youngest was Guddu. The ancestral land has been acquired for the construction of a road and compensation was to be given by DRO Sonipat on 10.08.2021. His brother in law Monu was demanding the compensation money of land which came to the share of his sister Guddi and brother Rajesh. Earlier also Monu had taken the share of compensation of these two persons two months ago. On 09.08.2021 at about 4.30 pm in the evening Monu and his companions Manjeet, Sonu and Baljit and others

came in a Scorpio vehicle having entered the house and started abusing and beating his sister Asha. When he and his brother Rajesh stopped them from abusing then Monu gave a knife blow in his hand to his brother Rajesh and Manjit, nephew of Monu, namely, Manjeet gave a *gandasa* blow on his (complainant's) head and their other companions gave slaps, kicks and fist blows to his sister Asha and brother Rajesh. Once again Monu attacked his brother Rajesh with a knife. On making noise all of them ran away from the spot. Initially the FIR was registered under Sections 148, 149, 307, 323, 452, 506 IPC. Pursuant to the death of Rajesh Section 302 IPC was added.

3. The Counsel of the petitioner contends that petitioner has been falsely implicated in the present case. In fact all the material witnesses namely Sushil son of Mohinder (PW-1), Satbir son of Sri Chand (PW-2), Renu daughter of Mehtab (PW-3), Sunil wife of Bijender (PW-6) and Asha daughter of Mehtab (PW-7) (Annexures P-2 to P-5 respectively) have been examined and they have not supported the prosecution case. He contends that the petitioner is in custody since 10.08.2021 and only 11 out of the 22 cited prosecution witnesses have been examined. Since the main prosecution witnesses have been examined and have not supported the case of the prosecution, the petitioner deserves the concession of regular bail.

4. The Counsel for the State on the other hand contends that the petitioner is the main accused as per police investigation and is not entitled to the grant of bail. He contends that the statement under Section 164 Cr.PC of the petitioner has been recorded in which he has admitted that he has committed the offence in question. A knife allegedly used in the occurrence has also been recovered from him. He however does not dispute the period of custody undergone by the petitioner as also the fact that all the material prosecution witnesses have turned hostile.

5. I have heard counsel for both the sides at length.

6. The Hon'ble Supreme Court in **“Dr. Gokarakonda Naga Saibaba Versus State of Maharashtra, 2016(2) RCR (Criminal) 675** and this Court in **“Devender Singh @ Devender Chhabra @ Tintu Versus State of Punjab, CRM-M-27957-2015 decided on 22.08.2016** has held that grant of bail can be considered, where witnesses stand examined.

7. The Petitioner is in custody since 11.08.2021. As many as 11 prosecution witnesses remain to be examined out of 22 cited prosecution

witnesses. It would be a matter of adjudication during trial as to whether the evidence of these remaining 11 witnesses is sufficient to convict the petitioner in light of the fact that all the material witnesses stand examined and have turned hostile.

8. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner-**Manjeet @ Dheela** son of Sh. Mehtab Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

September 07, 2022

Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>