

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

226)

CRM-M-35536 of 2022

Date of Decision:08.09.2022

Manjinder Singh

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Vinod Ghai, Senior Advocate with
Mr. Edward Augustine George, Advocate,
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.153 dated 19.03.2020, under Sections 307, 34 and 120-B of the IPC and Section 25 of the Arms Act, registered at Police Station Shahabad, District Kurukshetra.

It has been submitted by Mr. Vinod Ghai, learned Senior Counsel assisted by Mr. Edward Augustine George, Advocate, appeared on behalf of the petitioner that the petitioner is in custody from 12.04.2021 which is almost one year and five months and the investigation of the case has already been completed and thereafter during the trial three prosecution witnesses have been examined, out of which one is the complainant. He submitted that the complainant did not

support the prosecution version and was declared hostile. He submitted that even otherwise also as per the allegations, the complainant has received some injuries but as per the medical report the injuries were by way of glass splinters which was broken by a gun shot. He submitted that be that as it may the petitioner has already faced incarceration for one year and five months and the complainant himself has not supported the prosecution version, therefore, he may be considered for the grant of regular bail. He has also pointed out that the other similarly situated co-accused namedly Sanchit Marwaha has been already granted regular bail by this Court vide Annexure P-8.

On the other hand, Mr. Naveen Singh Panwar, learned DAG, Haryana has stated that it is correct that the petitioner is in custody from 12.04.2021 and a similarly situated co-accused namedly Sanchit Marwaha has been granted regular bail by this Court. He also stated that it is also correct that the injuries which were received by the complainant on account of the glass splinters and that the complainant at the time of deposition did not support the prosecution version. He has however opposed the grant of regular bail to the petitioner on the ground that the petitioner is involved in about ten more cases.

I have heard the learned counsel for the parties.

The petitioner is in custody for the last one year and five months and three prosecution witnesses have been examined, out of which the complainant has also been examined but who has, according to the learned counsel for the parties, not supported the prosecution version and has turned hostile. The other similarly situated co-accused namedly Sanchit Marwaha has been already granted regular bail by this Court vide Annexure P-8. The mere pendency of other cases

registered against the petitioner would not dis-entitle him for grant of regular bail in the present case.

Furthermore, it is not the case of the State nor it has been argued by the learned State counsel that in case the petitioner is released on bail, then he may abscond from justice or influence any witness or tamper with any evidence.

After considering the arguments advanced by learned Senior Counsel for the petitioner, the petitioner deserves the concession of regular bail. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

(JASGURPREET SINGH PURI)
JUDGE

September 08, 2022
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No