

**CRM-M-42594-2021**

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

**CRM-M-42594-2021 (O & M)**

**Date of decision: 21.03.2022**

Manish @ Kaku

...Petitioner

Versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present:- Mr. Anil Kumar Saini, Advocate,  
for the petitioner.

Mr. Amrik Singh Narwal, AAG, Haryana.

**HARNARESH SINGH GILL, J. (ORAL)**

**CRM-40915-2021**

Allowed as prayed for. Annexure P-9 is taken on record,  
subject to all just exceptions.

**CRM-10277-2022**

Allowed as prayed for. Annexure P-10 is taken on record,  
subject to all just exceptions.

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Through this petition, the petitioner seeks regular bail in case bearing FIR No.294 dated 12.06.2017, registered at Police Station Sadar Bahadurgarh, under Sections 302 and 34 IPC, Section 25 of the Arms Act, 1959 and Section 120-B IPC (added later on).

Learned counsel for the petitioner contends that the petitioner was indicted on the disclosure statements of Bijender and Jaibir, who have since been given up by the learned Public Prosecutor, being won over by the accused persons; that the petitioner has been in custody since

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21.07.2017, and that out of 40 prosecution witnesses, only 11 witnesses have been examined thus far. On this premise, the learned counsel prays for the grant of regular bail to the petitioner.

On the other hand, learned State counsel, while opposing the submissions made by the learned counsel for the petitioner, submits that the petitioner had actively participated in the commission of offence; that the petitioner had fired a gun-shot, which hit the back right of head of Dheeraj Kumar (since deceased), and that the active involvement of the petitioner clearly transpires from the statements of Bijender and Jaibir, recorded under Section 161 Cr.P.C.

I have heard the learned counsel for the parties.

The petitioner has been in custody for the last more than 4 years. Bijender and Jaibir, on whose disclosure statements the petitioner was indicted in the present case, have been given up by the learned Public Prosecutor, being won over by the accused persons. As many as 29 prosecution witnesses are yet to be examined. Trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

**21.03.2022**

parveen kumar

**(HARNARESH SINGH GILL)**  
**JUDGE**

Whether reasoned/speaking?  
Whether reportable?

Yes/No  
Yes/No