

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

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**CRM-M-41542-2022
Decided on : 15.09.2022**

Manoj Kumar

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Ms. Sharmila Sharma, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

SANJAY VASHISTH, J. (Oral)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail to the petitioner – Manoj Kumar, who has been booked for having committed the offences punishable under Sections 379 B, 511, 506, 34 of IPC and Section 25/54/59 of the Arms Act, (Sections 394 & 452 of IPC added later on), in FIR No. 193, dated 05.05.2022, registered at Police Station Arya Nagar, Rohtak, during the pendency of trial.

Learned counsel for the petitioner contends that name of the petitioner in the present case has been involved on the basis of disclosure statement of co-accused. As per contents of the said disclosure statement, petitioner was standing outside armed with a weapon. Learned counsel for the petitioner submits that after arrest of the petitioner, no such weapon has been recovered except of one blue colored mobile phone mark Vivo.

Learned counsel for the petitioner further submits that petitioner is inside jail since 06.05.2022 and petitioner being 42 of years of age, is not involved till date in any other case of similar nature. Therefore, it is improbable that at such stage of life, anyone would get involved in such incident. Besides this, she further submits that there are fairly arguable points during the course of the trial showing the innocence of the petitioner. She further submits that, further incarceration of the petitioner is not worth in this case.

On the other hand, learned State counsel submits that offence is serious in nature, where they have entered the house and applied force to

commit theft. On inquiry, learned State counsel submits that after completion of investigation, challan has been submitted with the list of 17 prosecution witnesses and charges are yet to be framed.

After considering the submissions of both the sides, and perusing the record with their able assistance and also noticing the fact that investigation is complete, it is clear that further incarceration of the petitioner would not serve any benefit to the prosecution. Further, as no other case of similar nature has ever been registered against him, it would not be proper to keep him inside jail with other inmates.

Accordingly, the present petition is allowed. Petitioner is ordered to be released on bail in this case, subject to his furnishing bail/surety bonds to the satisfaction of the learned Trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made here-in-above shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of evidence available on record.

(SANJAY VASHISTH)
JUDGE

September 15, 2022

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No