

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

237

CRM-M-43048 of 2022

Date of Decision:22.09.2022

Manoj

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Aditya Jain, 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.125 dated 21.03.2020, under Sections 323, 302, 148 and 149 IPC (with Sections 148 and 149 IPC have been deleted and Section 34 added later on), registered at Police Station Aadarsh Nagar, Ballabgarh, District Faridabad.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody from 21.03.2020 which is about 2½ years. He submitted that in the present case charges were framed on 21.09.2020 and only four prosecution witnesses have been examined including the complainant. He submitted that no recovery is to be effected from the petitioner and he is not involved in any other case and has clean antecedents. Learned counsel for the

petitioner also submitted that the other co-accused namely Arjun has already been granted bail by this Court vide CRM-M-37219 of 2021 on 03.08.2022 (Annexure P-6). He further submitted that even otherwise also no motive was available with the petitioner or with the other co-accused because even as per the allegations contained in the FIR, a scuffle had taken place between the neighbours and it is only at the time of the trial it can be determined as to who was the aggressor party and therefore considering the antecedents of the petitioner and considering the long custody of the petitioner, he may be considered for the grant of regular bail.

On the other hand, Mr. Naveen Singh Panwar, learned DAG, Haryana has stated that it is correct that the petitioner is in custody for the last 2½ years and four prosecution witnesses have been examined including the complainant. He further stated that it is also correct that the petitioner has clean antecedents and he is not involved in any other case.

I have heard the learned counsel for the parties.

The petitioner has already faced incarceration for about 2½ years and the complainant and some of the other material witnesses have already been examined and the other co-accused namely Arjun has already been granted bail by this Court vide Annexure P-6. The petitioner is stated to be not involved in any other case as per the learned counsel for the parties. As per the allegations, a fight had taken place between the neighbours and therefore considering the clean antecedents of the petitioner and also the long custody of the petitioner which is about 2½ years, this Court deems it fit and proper to grant bail to the petitioner, therefore, 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 expresion of opinion on merits of the case and is only meant for the purpose of decision of present petition.

(JASGURPREET SINGH PURI)
JUDGE

September 22, 2022
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No