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209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7467-2023
Date of Decision: 12.09.2023

Man Singh alias Monu

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Akshay Kumar Jindal, Advocate,
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana,
for the respondent.

RAJBIR SEHRAWAT, J. (ORAL)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.212 dated 21.06.2021, registered under Sections 148, 149 and 302 of the Indian Penal Code, 1860 (Sections 120-B and 342 of the IPC were added later on) at Police Station Sector 40, District Gurugram.

It is submitted by the learned counsel for the petitioner that the case against the petitioner is totally concocted. The petitioner is not involved in the crime as alleged against him. Even as per the evidence led by the prosecution, the petitioner is not found involved in the case. The prosecution has examined as many as seven witnesses in the case, including the two main witnesses. However, the said two main witnesses, including the complainant, have turned hostile and have not supported the case of the

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prosecution. Not only that, the Trial Court itself has granted bail pending trial to the co-accused Varun, who is alleged to be the main accused in the case. The petitioner is not required for any investigation purposes and that he is in custody since 22.06.2021. Therefore, the petitioner deserves to be released on bail pending trial.

On the other hand, learned State counsel, being instructed by SI Gaurav, has submitted that the petitioner is directly involved in the case. He is specifically named in the FIR. Not only this, the petitioner is a habitual offender and he is involved in two more murder cases. Therefore, the petitioner does not deserve any concession of bail pending trial. However, it is not disputed that the two main witnesses, including the complainant, have not supported the case of the prosecution and that the co-accused Varun, with more grave allegations, has already been granted bail pending trial by the Trial Court.

In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

12.09.2023
adhikari

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No