

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

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CRM-M-17534-2023

Date of decision: 02.08.2023

Manpreet Singh @ Manni

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Raghav Sharma, Advocate
for the petitioner

Mr. Dhruv Sihag, AAG Haryana

AMAN CHAUDHARY. J.

1. Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No. 77 dated 08.06.2021, registered under Sections 201, 302 and 392 of the Indian Penal Code, 1860 at Police Station Jhansa, District Kurukshetra.

2. Learned counsel contends that the petitioner has been in custody for the last more than 2 years. As per the allegations, the petitioner was in a separate vehicle though behind the one driven by the deceased, only till Rajpura, but not Shahbad, in which the occupants were co-accused Rohit @ Vicky and Saksham. The body of the deceased was found near the canal in Shahabad and not in the car. No recovery has been effected from the petitioner, however, a pistol had been recovered from co-accused Rohit @ Vicky, which allegedly was supplied by co-accused Bhag Singh, who has been granted bail. The said co-accused Rohit @ Vicky is stated to be sitting in the rear seat of the vehicle which was being driven by the deceased, while co-accused Saksham was on the co-driver seat. Charges

have been framed, however, out of 34 prosecution witnesses, only 8 have been examined, including the complainant. The petitioner is involved in one more case under the IPC, in which he is on bail. In this regard, reliance is placed on the judgment passed by Hon'ble The Supreme Court titled as **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

3. Learned State counsel opposes the bail on the ground that the petitioner is the part of the conspiracy that was hatched at Pathankot to snatch the vehicle of the deceased. However, he is unable to controvert the submissions with regard to the custody, stage of the case, complainant being examined and the petitioner on bail in another case.

4. Heard.

5. Hon'ble The Supreme Court in the case of **Maulana Mohd. Amir Rashadi** (Supra) had held that, “As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court, etc.”

6. Considering the facts and circumstances of the case, in particular that the petitioner has been in custody for the last almost 2 years; on bail in other case; charges have been framed, complainant has been examined; besides him, only 7 out of 35 prosecution witnesses have been examined; the trial is likely to take considerable time, thus, his further incarceration would not serve any useful purpose, as such, the present petition for grant of regular bail deserves to be allowed.

7. As a result, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to his not being required in any other case. The petitioner shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

8. It is made clear that in case of any infraction of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

9. In view of the above, it is clarified that the observations made herein

are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

02.08.2023

<i>Mehak</i>	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No