

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-20268-2023 (O&M)

Date of Decision: 20.07.2023

MANJIT

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Atul Lakhanpal, Senior Advocate with
Mr. RS Chahal, Advocate
for the petitioner.

Mr. Vipul Sherwal, AAG, Haryana.

HARNARESH SINGH GILL, J.(Oral)

Prayer in this second petition is for grant of regular bail to the petitioner in case FIR No.747 dated 05.11.2020, under Sections 302, 216, 114, 120-B, 34 IPC and Sections 25, 30 of Arms Act, registered at Police Station Barwala, District Hisar, the first one having been dismissed as withdrawn on 30.11.2021.

Learned Senior counsel for the petitioner submits that post withdrawal of the earlier bail petition, statements of complainant and two eye-witnesses, namely, Shyam Sunder, Ganga Singh and Satyawar, respectively, (PW-4 to PW-6) have been recorded before the learned trial Court and they have not supported the prosecution version and that the petitioner has been in custody since 06.12.2020. He further submits that there are two more cases registered against the petitioner and that even after the dismissal of the third bail application by the Additional Sessions

Judge, Hisar, another eye-witness, namely, Sunil while appearing as PW-7 on 04.05.2023 has not supported the prosecution version and turned hostile.

Learned Senior counsel for the petitioner further submits that there are total 12 accused, out of which 10 have already been granted the concession of bail; that the FIR was registered after a delay of about 16 hours; that the alleged recovery has already been effected from the petitioner and that out of total 32 prosecution witnesses, only 11 have been examined, so far.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner and the factum of the complainant and two eye-witnesses turning hostile. He, however, submits that the petitioner had actively participated in the occurrence, inasmuch as, one revolver, .32 bore and one country made pistol along with five cartridges have been recovered from him. He further submits that the petitioner is a habitual offender as there are other cases as well registered against him and that the material witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 06.12.2020. The complainant and the three eye-witnesses have not supported the prosecution version. Co-accused have already been enlarged on bail. Material witnesses have already been examined. Trial of the case would take a long time to conclude.

Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, 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/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

20.07.2023

Aman Jain

Whether speaking/reasoned

Whether reportable

(HARNARESH SINGH GILL)

JUDGE

:

:

Yes/No

Yes/No