

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

224

CRM-M-19774-2023 (O&M)

Date of Decision: 13.07.2023

MANNU @ NARENDER

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Aman Arora, Advocate
for the petitioner.

Mr. Rupinder Singh Jhand, Additional AG Haryana.

HARNARESH SINGH GILL, J.(Oral)

Through this second petition, the petitioner seeks regular bail in case bearing FIR No.880 dated 28.11.2017, registered under Sections 307 and 34 IPC; Sections 302, 212, 201 and 120-B IPC and Section 25 of the Arms Act (added later on), at Police Station Sadar Palwal, District Palwal, the first one having been disposed of vide order dated 06.04.2021 passed by this Court, directing the trial Court to make an endeavour to conclude the trial, at the earliest.

Learned counsel for the petitioner submits that though the petitioner has specifically been named in the FIR and attributed gun shot injury on the person of Om Parkash (since deceased), yet the fact remains that the petitioner has been in custody for the last more than five years and six months; that out of total 52 prosecution witnesses, only 6 have been examined, so far; that the alleged recovery of country made pistol and live cartridges have already been effected and that complainant, namely, Dharam Parkash, has already been examined.

Learned counsel for the petitioner further submits that co-accused, namely, Anil, has already been granted the concession of bail by the learned Additional Sessions Judge, Palwal, vide order dated 02.08.2018.

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. He, however, submits that the petitioner had actively participated in the occurrence, inasmuch as, he has been attributed a fatal injury on the person of deceased and that the recovery of weapon along with live cartridges was effected from the petitioner. He further submits that the petitioner is a habitual offender and facing nine more FIRs and that the material witnesses are yet to be examined and thus, the petitioner does not deserve the concession of regular bail.

I have heard the learned counsel for the parties.

Though the petitioner has specifically been named in the FIR and attributed gun shot injury on the person of Om Parkash (since deceased), yet the fact remains that he has been in custody for the last more than five years and six months. Co-accused has since been enlarged on bail vide order dated 02.08.2018. Recovery has already been effected. Testimony of the complainant has already been recorded. Out of nine other cases, the petitioner stands acquitted in 6 and convicted in 2. Most of the prosecution witnesses are yet to be examined. In such circumstances, the 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.

13.07.2023

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No