

CRM-M-26045 of 2022 (O&M)

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

CRM-M-26045 of 2022 (O&M)  
Date of decision: 06.01.2023

Rajinder Manocha

.....Petitioner

versus

State of Punjab and another

.....Respondents

**CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR**

Present: Mr. S.S. Gill, Advocate, for the petitioner.  
Mr. Anup Singh, AAG, Punjab.  
Mr. Gurcharan Singh, Advocate, for the complainant.

**NAMIT KUMAR, J. (ORAL)**

**CRM-45 of 2023**

This application has been filed by the applicant-petitioner for placing on record copy of order dated 15.12.2022 passed by a Co-ordinate Bench of this Court in CRM-M-49650 of 2022 as Annexure P-9.

For the reasons mentioned in the application, same is allowed.  
Copy of order dated 15.12.2022 is taken on record as Annexure P-9.

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This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.68 dated 14.05.2020 under Sections 302, 307, 34 IPC and Section 25 of the Arms Act, 1959 (Sections 188 and 120-B IPC added later on), registered at Police Station Jodhewal, Ludhiana, District Ludhiana.

Learned counsel for the petitioner has submitted that the FIR

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was registered at the instance of Manish Manocha with the allegations that on 13.05.2020, he was present at his home and his brother Girish was repairing a tandoor in the verandah, when somebody screamed that is it Manish's and Girish' house who deals in mobile phones and his brother Girish answered that Yes they are dealing in the same and in the meantime, the persons standing outside, started firing bullets. When his brother tried to run away, in the meantime, a person, with his face covered with handkerchief, fired bullets through small gate, which hit his brother Girish and he fell down and when the complainant tried to pick him up, his mother came from inside the house and screamed and thereafter, both the persons ran away on the motorcycle. Later on, he saw that his father also sustained injury and he was lying on the floor and he took his father and brother to the hospital, where his brother Girish died and his father Joginder Pal survived. He contends that allegation against the petitioner is that the said occurrence has been done by the petitioner with no specific role. He further submits that during trial, PW1 complainant Manish Manocha; PW2 Joginder Pal Manocha; PW3 Vipin Kumar; PW4 Sushma Rani and PW5 Neha did not support the prosecution version. The petitioner is in custody since 13.05.2020. He also submits that material witnesses have already been examined in the trial proceedings. Conclusion of trial is likely to take a considerable time. He places reliance upon order dated 15.12.2022 passed by a Co-ordinate Bench of this Court in CRM-M-49650 of 2022 whereby co-accused Veerkaran Singh @ Karan has been granted bail. Therefore, no fruitful purpose would be served by detaining the petitioner behind bars. He may be granted the concession of regular bail.

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On the other hand, learned State counsel opposed the prayer for grant of bail to the petitioner. However, he does not dispute the fact that trial is likely to take considerable time to conclude as well as material witnesses have already been examined and have turned hostile and that the co-accused has been granted bail.

Keeping in view the custody period of the petitioner, which is 02 years 07 months and 14 days; material witnesses have resiled from their statements and have not supported the case of the prosecution; co-accused has been granted bail and the fact that the trial is likely to take a considerable time to conclude, however, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

The petition stands disposed off accordingly.

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|---------------------------|---|----------------------|
| <b>06.01.2023</b>         |   | <b>(NAMIT KUMAR)</b> |
| <b>R.S.</b>               |   | <b>JUDGE</b>         |
| Whether speaking/reasoned | : | Yes/No               |
| Whether reportable        | : | Yes/No               |