

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-31747-2023 (O&M)
Date of decision: 01.08.2023

MANKIT TYAGI @ ANKIT @ CHINTU

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Sukhcharan Singh Gill, Advocate for the petitioner.

Ms. Ankita Ahuja, AAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 45 dated 29.01.2023 registered under Sections 436, 148, 149 (Sections 148, 149 deleted and Section 34 added later on) of IPC , at Police Station Gannaur, District Sonapat and the Charge Sheet presented under Sections 436 and 34 IPC.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the allegations against the petitioner and the co-accused are that they approached the house of the complainant and when the door was not opened, they pour petrol and burnt the door; that even as per the Forensic Science Laboratory (FSL) report dated 31.01.2023 (Annexure P-3) the main gate of the house was situated in a closed gali in populated area, even then no information was sent to the complainant, who was on duty at the time of alleged occurrence and he reached at the place at 7.30 a.m.; that no specific role has been attributed to the petitioner; that the petitioner has been in custody since 11.03.2023; that the challan has been presented and that charges have not been framed.

Learned State counsel, while vehemently opposing the prayer for bail, submits that an FIR was lodged by the daughter of the complainant against the brother of the petitioner and the petitioner has specifically been named in the FIR and specific role has also been attributed to him. The petitioner is a habitual offender and he is involved in another case, though on bail. However, she does not dispute the custody period of the petitioner. She submits that the prosecution witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 11.03.2023. Though the allegations against the petitioner is that he with the help of other co-accused pour petrol on the door of the house of the complainant and burnt the door in his absence, yet the fact remains that the house of the complainant situated in a populated area, even then no information qua the incident was given to him and he came to know about the same when he came back from duty in the morning. The charges are yet to be framed and there are total 14 prosecution witnesses and none has examined. Therefore, the conclusion of the trial would take a long time. In another case, the petitioner is on bail. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

01.08.2023
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No