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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43848-2023 (O&M)
Date of decision: 11.09.2023

GURLAL SINGH MANN @ VICKY

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. P. S. Ahluwalia, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.120 dated 13.09.2021, under Sections 302, 307, 323, 325, 285, 341, 506, 109, 147, 148, 149, 120-B of the IPC and Sections 25, 27, 29 of the Arms Act, registered at Police Station Jakhal, District Fatehabad, Haryana.

2. Learned counsel for the petitioner submitted that the petitioner is in custody from 14.06.2022, which is almost 1 year and 3 months and the petitioner is 70% handicapped person regarding which the disability certificate has been attached as Annexure P-9. He further submitted that the petitioner was not named in the FIR and his name was later on nominated on the disclosure statement of co-accused and he has no criminal background and is not involved

in any other case. He further submitted that the other co-accused, namely, Ravi to whom the attribution was of giving a *danda* blow has already been extended the benefit of regular bail by this Court in CRM-M-50012-2022 on 24.07.2023 vide Annexure P-10 and the petitioner is not only at parity with the aforesaid co-accused but he is rather at better footing. He also submitted that all the material witnesses have been examined in the present case and none of them have supported the prosecution version and they have been declared hostile and considering the aforesaid facts and circumstances, he may be considered for the grant of regular bail.

3. On the other hand, Ms. Harpreet Kaur, AAG, Haryana, on instructions from ASI Raj Kumar, submitted that it is correct that the petitioner is in custody from 14.06.2022 and he has no criminal background. She further submitted that all the material witnesses have been examined, who have not supported the prosecution version and the aforesaid co-accused, namely, Ravi, who is at parity with the petitioner has already been extended the benefit of regular bail by this Court as aforesaid.

4. I have heard the learned counsel for the parties.

5. The petitioner is in custody from 14.06.2022, which is almost 1 year and 3 months and is stated to be 70% handicapped person. He is stated to be at parity with the aforesaid co-accused, namely, Ravi, who has already been extended the benefit of regular bail by this Court vide Annexure P-10. The petitioner has no criminal background and it is also stated by the learned counsel for the parties that all the material witnesses have been examined but they have not supported the prosecution version. Furthermore, it is not the case

of the learned State counsel that in case the petitioner is released on bail, then he may influence any witness or may tamper with evidence or may flee from justice.

6. Therefore, considering the aforesaid totality and circumstances of the present case, this Court deems it fit and proper to grant regular bail to the petitioner.

7. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

11.09.2023
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No