

MOHIT @ NAMBARDAR

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Parveen Kaushik, Advocate for the petitioner.
Mr. Rajiv Sidhu, DAG, Haryana.

HARKESH MANUJA, J. (ORAL)

1. By way of present petition filed under Section 439 CrPC, prayer has been made for grant of regular bail in case FIR No. 0320 dated 28.06.2019 registered under Sections 148, 149 and 302 of IPC at P.S. Barwala, District Hisar wherein the petitioner has been implicated against the alleged murder of two of the victims namely Naveen s/o Satpal and Vikram s/o Balwan Singh.
2. The prayer made herein has been opposed at the instance of learned State counsel while submitting that recovery of danda was effected from the petitioner which was used in the offence and the petitioner was named by his co-accused namely Vikram alias Vicky s/o Suresh Kumar besides, one of the eye-witness namely Manjeet of having inflicted injuries upon the person of deceased with the danda and thus, he does not deserve the concession of bail as he was involved in one more case under the provisions of IPC.
3. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

4. In the present case, investigation stands concluded with the filing of challan followed by framing of charges and the petitioner is behind the bars for the past almost more than 3 years, besides it, though the recovery of danda was effected from the petitioner, however, as per the FSL report, as regards blood stains found thereupon, no conclusive opinion was rendered by the experts. In addition, the statements made by the petitioner in terms of Section 27 of Indian Evidence Act 1872, as regards the recovery of danda from the dairy i.e. a place open to one and all was yet to test the scrutiny of trial besides the other evidence collected by the prosecution. As regards, the involvement of the petitioner in one more case under the provision of IPC, admittedly, he is already on bail in the same. Considering the aforesaid facts and circumstances, this Court does not find justification to extend his incarceration any further.
5. In view of the above, without commenting anything on the merits, lest it may prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.
6. Nothing said herein shall be construed as expression of opinion on the merits of the case.

22.04.2024

Tejwinder

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No