

242

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-10464-2024
Date of decision:-18.07.2024

MANISH

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. G.C.Shahpuri, Advocate for the petitioner.
Mr. Ramender Singh Chauhan, AAG, Haryana .

SANJIV BERRY, J.(ORAL)

Learned counsel for the State has filed custody certificate dated 16.07.2024, the same is taken on record. Copy thereof has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
413	17.05.2022	302, 392, 397, 120-B, 201, 216-A, 412, 379, 411 IPC and 25 & 29-B of Arms Act	City Yamuna Nagar, District Yamuna Nagar



3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case and having no concern with the alleged occurrence. He submits that neither the petitioner had participated in the occurrence nor any specific injury is attributed to him and for that no specific overt act has been attributed to him. He contends that the petitioner is in custody since 01.07.2022 and after completion of investigation, the challan has already been presented in Court and disposal of trial will take sufficient long time, as such he prays for grant of concession of grant of regular bail to the petitioner.

4. Learned State counsel, on the other hand, has opposed the bail petition by arguing that there are specific allegations against the petitioner of having conducted recce of the victim and consequent upon his arrest, amount of ₹64,000/- was recovered from him. Learned State counsel referring to the reply submitted by the State has admitted that no specific injury is attributed to the petitioner and after completion of investigation challan has been presented in Court wherein 41 witnesses have been cited by the prosecution, but till date none of them have been examined.

5. After considering the submissions made by both the sides and perusing the record, it transpires that as per the case of the prosecution, the allegations qua the petitioner is that he along with co-accused had conducted the recce of the victim, however, admittedly no specific overt act has been attributed to him for having caused any injury on the person of the victim. The petitioner was nominated on the basis of disclosure statement made by co-accused Saravjit Singh and was arrested on 01.07.2022. After completion



of investigation challan has already been presented in Court. The prosecution has cited 41 witnesses but till date none of them have been examined. Therefore, it will take sufficient long time to ascertain criminal liability, if any, of the petitioner and no purpose would be served by detaining the petitioner any longer in custody.

6. Resultantly, the present petition is allowed. The petitioner is ordered to be released on regular bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

18.07.2024
Gyan

- | | | |
|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |