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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31198-2024 (O&M)
Date of decision: 19.09.2024

MANOJ

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Dr. Malvika Singh, Advocate for the petitioner.

Mr. Gaurav Jindal, Addl. A.G., Haryana.

JASGURPREET SINGH PURI, J. (Oral)

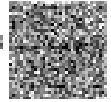
CRM-33155-2024

Prayer in this application is for placing on record Annexure P-4 and
Annexure P-5.

For the reasons mentioned in the application, the same is allowed.
Annexure P-4 and Annexure P-5 are taken on record, subject to all just
exceptions.

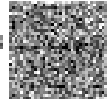
CRM-M-31198-2024

1. The present is a fourth petition filed under Section 439 of the Code
of Criminal Procedure for the grant of regular bail to the petitioner in FIR
No.376 dated 13.05.2019, under Sections 148, 149, 323, 341, 302 and 120-B of
the IPC and Section 25 of the Arms Act, registered at Police Station Sadar
District Palwal, Haryana.



2. Learned counsel for the petitioner submitted that the petitioner is in custody for 5 years, 2 months and 11 days and only 5 prosecution witnesses have been examined out of total cited 34 prosecution witnesses. She further submitted that it is a case where the allegations were that because of personal enmity, some assailants came and shot the deceased, namely, Mamraj. She further submitted that the petitioner was not named in the FIR and the eye-witnesses and the material witnesses have deposed that two persons, namely, Udham Singh and Sunder had exhorted the assailants while sitting inside the car to eliminate the eye-witness, namely, Jiley Singh and the deceased, namely, Mamraj and in the meantime, co-accused, namely, Tirath son of Udham Singh came on a motorcycle from behind and started firing indiscriminately and other assailants also fired shots and inflicted injuries with iron rods and wooden sticks. She further submitted that there is no direct role attributable to the petitioner, although it was so deposed by the aforesaid eye-witness, namely, Jiley Singh that he identifies the petitioner, who was present in the Court.

3. Learned counsel for the petitioner also submitted that in fact the petitioner has been falsely implicated in the present case in view of the fact that he is involved in as many as 15 more cases and that was the reason as to why his name has been nominated in the present case. She further submitted that the petitioner was granted interim bail by this Court in *CRM-M-56970-2023* on 21.11.2023 on the ground of marriage of his daughter for a period of 20 days and he surrendered well in time after the expiry of period of interim bail and he did not violate any of the conditions of interim bail and did not jump the interim bail. She further submitted that considering of the aforesaid facts and circumstances of the present case especially the long custody of the petitioner

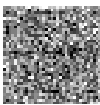


which comes out to be 5 years, 2 months and 11 days, he may be considered for the grant of regular bail.

4. On the other hand, Mr. Gaurav Jindal, Addl. A.G., Haryana submitted that it is correct that the petitioner is in custody for 5 years, 2 months and 11 days and only 5 prosecution witnesses have been examined till date. He has however opposed the grant of regular bail to the petitioner on three grounds. Firstly, the eye-witness, namely, Jiley Singh had identified the petitioner at the time of deposition, secondly, the petitioner is a habitual offender and thirdly, two more material witnesses are yet to be examined.

5. I have heard the learned counsels for the parties.

6. The petitioner is stated to be in custody for 5 years, 2 months and 11 days and only 5 prosecution witnesses have been examined out of total cited 34 prosecution witnesses. The petitioner was earlier extended the benefit of interim bail by this Court on 21.11.2023 as aforesaid for a period of 20 days and as per the learned counsels for the parties, he did not violate any of the conditions of interim bail and did not jump the interim bail and surrendered well in time. The first argument raised by learned State counsel that the aforesaid eye-witness, namely, Jiley Singh had identified the petitioner at the time of deposition is concerned, it has been so stated by the learned counsel for the petitioner that the aforesaid eye-witness had rather specifically stated that two other co-accused, namely, Tirath and Narotam had started firing indiscriminately which hit the deceased but so far as the petitioner is concerned, there was no direct role attributable to him. Therefore, this Court is of the view that the aforesaid is only a matter of evidence which will be seen by the learned trial Court but at the same time the long custody of the petitioner would be a



material factor for the purpose of considering the grant of regular bail to him. So far as the second argument raised by the learned State counsel that the petitioner is a habitual offender and he is involved in as many as 15 more cases is concerned, that itself cannot become a ground for denial of regular bail to the petitioner considering his aforesaid long custody. So far as the third argument raised by the learned State counsel that two more material witnesses are yet to be examined is concerned, considering the long custody of the petitioner, which comes out to be 5 years, 2 months and 11 days, the aforesaid argument raised by the learned State counsel would not sustain.

7. 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.
8. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.
9. 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.

19.09.2024
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned

Whether reportable

:

:

Yes/No

Yes/No