

MANDEEP MALIK

... Petitioner

Versus

STATE OF HARYANA

... Respondent

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

Present:- Ms.Neeru Bansal, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.

SANJIV BERRY, J.(ORAL)

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

FIR No.	Dated	Sections	Police Station
793	15.12.2022	307 IPC and 25 of Arms Act, (395,397, 120-B IPC added later on)	Gharaunda, District Karnal

2. Arguments heard.
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. She contends that the only allegation against the petitioner is that he is one of the rider on the motorcycle, however no specific overt act has been attributed to him nor any injury is attributed to him. She submits that the petitioner is in custody since 02.03.2023, after completion of investigation challan has since



been presented in Court and possible recovery has already been effected from co-accused. She submits that although the petitioner is having one more case registered against him, he is on bail therein. She submits that similarly situated co-accused Parveen has been granted concession of regular bail by this Court vide order dated 19.01.2024 passed in CRM-M-47002-2023. She further contends that despite the petitioner being in custody since 02.03.2023 no witness has been examined by the prosecution till date. Hence she prays for grant of bail to the petitioner.

4. *Per contra*, learned State counsel referring to the reply submitted by the State has opposed the bail petition by arguing that the petitioner has actively participated in the occurrence and is one of the motorcycle rider. However, he has not disputed the fact that the petitioner is having one more case registered against him and is on bail therein. He, however, admitted that no witness has been examined till date by the prosecution. He has also admitted that similarly situated co-accused Parveen has been granted concession of regular bail by this Court vide order dated 19.01.2024 passed in CRM-M-47002-2023.

5. After considering the rival contentions and perusing the record, it transpires that the instant case was registered on the statement of complainant to the fact that on 15.12.2022 he along with his brother Vikas Chauhan and cousin Bhura Singh @ Shubham were going home at village Uchana then two motorcycle overtook their car and after crossing the toll plaza stopped the car and then those assailants on motorcycle followed them and stopped just ahead of the car. Feeling apprehension, the complainant had turned his car towards Gharaunda and in the meanwhile one of the biker fired



shot which hit the windowpane of the car. Subsequently FIR was registered and the petitioner was arrested on 02.03.2023, challan has already been presented in Court. It is not disputed that the allegation against the petitioner is that he is one of the rider of the motorcycle, however no specific overt act has been attributed to him nor any injury is attributed to him. It is also not disputed that the petitioner is having 1 more cases registered against him, wherein he is on bail and facing trial. It is also not disputed that similarly situated co-accused Parveen has been granted concession of regular bail by this Court vide order dated 19.01.2024 passed in CRM-M-47002-2023. The Prosecution has cited 22 witnesses but none of them have been examined till date. In this manner, the conclusion of trial, to ascertain criminal liability, if any of the petitioner in the present case, will take sufficient long time.

6. In these circumstances, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on 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

03.10.2024

Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No