

214-2

**THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.61067 of 2023
Date of Decision: 11.12.2024**

Manjeet Singh @ Mota

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Balraj Gujjar, Advocate and
Ms. Shweta Bawa, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana assisted by
ASI Raj Singh.

RAJESH BHARDWAJ, J. (ORAL)

1. Present third petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.68, dated 01.02.2020, under Sections 148, 149, 224, 225, 307, 333, 353, 120-B, 216 of IPC, 1860 and Sections 25/54/59 of Arms Act, 1959, registered at Police Station Dabua, District Faridabad during the pendency of trial.

2. Succinctly the facts of the case are that the present FIR was registered on the statement of complainant, namely, Umed Kumar. It was alleged that he was posted in Police Line Gurgaon and his duty was to produce the accused in the Court. It was alleged that he along with police officials had gone to Bhondsi Jail for producing the accused from Police Line Gurgaon to Faridabad. Accused were to be produced by them before Faridabad Court. It was further alleged that after producing the accused, at about 2:30 P.M., they were returning back to Bhondsi Jail and on the

way at about 3:10 p.m., when they reached near Hanuman Temple at Faridabad-Gurgaon Road, a Scorpio by overtaking stopped in front of their vehicle. They saw one white colour Swift Dzire car towards right side and one Ritz car towards back side of the bus. 10-12 persons came down and started firing on the bus, out of which one bullet hit on right shoulder of ASI Jitender. During the firing Sandeep @ Kala was trying to fled but was caught by ASI Jitender from his neck, leaving his shirt and sweator, he was able to fled away and one accused Dhan Singh @ Raju also fled away in Scorpio vehicle bearing registration No.HR-14R-4614. Out of these persons, one was identified as Narender @ Sathi, who was seen by him in the Court. The request was made to take the legal action against the culprits in this case. After registration of the FIR, investigation commenced and name of the petitioner surfaced in the disclosure statement of co-accused, namely, Naresh. Thus, he was arrayed as an accused and was arrested on 18.09.2020. Thereafter, the petitioner approached the Court of learned Additional Sessions Judge, Faridabad praying for the grant of bail, however, after hearing both the sides, the same was declined by the learned Additional Sessions Judge, Faridabad vide order dated 19.11.2020. Aggrieved by the same, the petitioner earlier approached this Court by way of filing CRM-M-3309-2020, which was dismissed vide order dated 24.09.2021. The petitioner again approached this Court by way of filing CRM-M-13152-2023, which was again dismissed as withdrawn vide order dated 02.08.2023. Hence the petitioner is before this Court by way of filing the present third petition.

3. Learned counsel for the petitioner, at the outset, prays for the grant of bail on the basis of parity with that of the co-accused. He has drawn the attention of this Court to the order passed by this Court in **CRM-M No.46298 of 2023** dated 14.11.2024 whereby co-accused of the petitioner, namely, Kapil @ Ninni has been granted the concession of bail. He has submitted that case of the petitioner is at par with the co-accused, who has been granted bail by this Court. He has further submitted that the complainant has not supported the case of prosecution. He submits that on the basis of the parity, the petitioner deserves to be granted bail as case of the petitioner is similar to that of the co-accused, who has already been granted bail.

4. Custody certificate of the petitioner dated 10.12.2024 has been filed by learned State counsel today in the Court and the same is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

5. Learned counsel for the State although has opposed the prayer of the petitioner yet endorsed the fact that the case of petitioner is at par with the co-accused, namely, Kapil @ Ninni, who has already been granted bail by this Court.

6. Heard.

7. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and also the fact that the trial of the case will take sufficient time for its conclusion and no useful purpose would be served by keeping the petitioner in custody for any further period when the co-accused has

already been granted bail by this Court, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner on the basis of parity with the co-accused stated above. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

11.12.2024
rittu

(RAJESH BHARDWAJ)
JUDGE

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