

In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-61254-2024 (O&M)
Date of Decision:-11.12.2024

Manik @ Mannu

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kamal Chaudhary, Advocate,
for the petitioner.

Mr. Neeraj Sheoran, DAG, Haryana.

FIR No.	Dated	Police Station	Under Section/s
532	29.9.2023	Kotwali, District Faridabad	147, 148, 149, 323, 506, 325, 341, 302 and 307 of Indian Penal Code

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of the aforementioned FIR.
2. The FIR in question was lodged at the instance of Vipin (father of deceased Daksh) alleging therein that his son Daksh (since deceased) was a student of Class XI in Vidya Neketan school. It is alleged that on 28.9.2023 at about 8.00/8.30 p.m., his wife called him informing that Daksh was beaten up by 10-12 boys near Vidya Niketan School, Faridabad and he had been taken to Escorts Fortis Hospital for treatment. When he reached there, Yash (friend of Daksh) told him that he was with Daksh at the time of incident and that Cheenu, Harman, Shivam Madhukar), Sarvan and 7-8 other boys kicked,



punched and gave severe beatings to Daksh with sticks. As the crowd gathered at the spot, said assailants fled from the spot while raising threats to kill Daksh in future.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that falsity would be evident from the fact that PW-1 Yash Kumar, when examined during the proceedings of trial, did not fully support the case of prosecution and did not identify the petitioner to be the assailant. It has been submitted that the petitioner as of now has been behind bars since the last about 1 year, 1 month and 6 days and otherwise is not involved in any other case.
4. Opposing the petition, learned State counsel submitted that since the name of the petitioner specifically figures in the disclosure statement made by co-accused, his complicity is clearly evident. Learned State counsel has not disputed the factum of petitioner's custody being 1 year, 1 month and 6 days.
5. The aforesaid factum regarding the prime witness i.e. PW-1 Yash Kumar has not fully supported the case of prosecution, is not disputed by learned State counsel, who has also not disputed the custody of the petitioner and also the fact that he is not involved in any other case. Co-accused Madhukar, who is specifically named in the FIR, has already been granted bail by a Coordinate Bench of this Court vide order dated 27.11.2024 passed in CRM-M-24798-2024. Under these circumstances, the petitioner also deserves the same concession on grounds of parity apart from the fact that the prime witness has not fully supported the case of prosecution.
6. The instant petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the



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satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

11.12.2024

Pankaj

(Gurvinder Singh Gill)
Judge

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