

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-30313-2015

Date of Decision: September 29, 2015

Maninderjit Singh @ Manjinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Ajay Pal Singh Rehan, Advocate,
for the petitioner.

Mr. P.S. Ghuman, Addl. AG, Punjab,
for the respondent.

Mr. P.S. Ahluwalia, Advocate,
for the informant.

1. *Whether Reporters of local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

NARESH KUMAR SANGHI, J (Oral)

Prayer in this petition, filed under Section 439, Cr.P.C.,
is for grant of regular bail to the petitioner, Maninderjit Singh @
Manjinder Singh, son of Gurnam Singh, resident of village
Kahlanwali, Police Station, Dera Baba Nanak, District Gurdaspur,
who has been booked for having committed the offences
punishable under Sections 148, 302, 307, 323, 324, 382 and 452
read with Section 149, IPC, and Sections 25 and 27 of the Arms

Act, in a case arising out of FIR No. 83, dated 8.10.2013, registered at Police Station, Dera Baba Nanak, Police District Batala, District Gurdaspur.

Learned counsel contends that even if whole case of the prosecution is taken at its face value, then also the only role assigned to the petitioner is of causing simple injury by means of a *daang* to the shoulder of injured, Gurwinder Singh; it is a case of version and cross-version since two persons from the petitioner's side had also sustained injuries in the same quarrel; the motive for quarrel was the manure pits situate on the main road near the residential houses of the parties; the petitioner is behind the bars from 9.10.2013; co-accused of the petitioner, namely, Santokh Singh and Sukhwinder Singh have been granted bail by this Court vide orders of even date; and that further incarceration of the petitioner would not be of any consequence.

Learned counsel for the State on instructions from ASI Jaswinder Singh of Police Station, Dera Baba Nanak, Police District Batala, District Gurdaspur, and after going through the material available on police file, very fairly concedes that the petitioner had caused simple injury on the person of the injured- Gurwinder Singh only. He further concedes that the petitioner is

behind the bars from 9.10.2013.

Learned counsel for the informant/complainant side has opposed grant of bail on the ground that it is a case of double murder and applicability of Section 149, IPC, would be a moot point during trial.

I have heard learned counsel for the parties and with their able assistance gone through the material available on record.

It is conceded position that the petitioner has been assigned the role of causing simple injury on the left shoulder of Gurwinder Singh only. The petitioner is behind the bars from 9.10.2013. Two persons from the petitioner's side had also sustained injuries and the motive for commission of the crime was manure pits on the main road of the locality where the houses of the parties are situate. The co-accused of the petitioner, namely, Sukhwinder Singh, Santokh Singh and Makhan Singh have already been granted bail.

Keeping in view totality of the facts and circumstances of the case, the present petition is allowed. The petitioner, Maninderjit Singh @ Manjinder Singh, son of Gurnam Singh, resident of village Kahlanwali, Police Station, Dera Baba Nanak,

District Gurdaspur, is directed to be released on bail during pendency of the trial of the present case subject to his furnishing bonds in the sum of ₹1,00,000/- (Rupees one lac only) with one surety in the like amount, to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Gurdaspur.

The observations made here-in-above are for the limited purpose of deciding the present petition for bail.

(NARESH KUMAR SANGHI)
JUDGE

September 29, 2015
Pkapoor