

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-40119 of 2016 (O&M)

Date of Decision : 11.01.2017

Mandeep Pal Singh

...Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Akshay Bhan, Senior Advocate with
Mr. Gurinder Singh, Advocate
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

Mr. Ravi Kamal Gupta, Advocate
for the complainant.

Surinder Gupta, J.

This is bail application filed by petitioner-Mandeep Pal Singh under Section 439 Cr.P.C. seeking regular bail in case FIR No. 19 dated 18.01.2015 for offences punishable under Sections 302, 307, 452 read with Section 34 IPC, registered at Police Station Sahnewal, District Ludhiana.

2. Affidavit of Assistant Commissioner of Police, Sahnewal, Ludhiana filed by learned State counsel is taken on record.

3. As per complainant-Mandeep Kaur, she alongwith her husband Jaswinder Singh and maternal aunt Jasvir Kaur was going in car bearing registration no. PB-10-ES-T-5949 for taking medicine from the doctor. When they reached on main road of the village, petitioner-Mandeep Pal Singh alongwith Manjit Singh @ Meeta and Gurwinder Singh came in Innova car bearing no. PB-10-DG-1127. They were accompanied by an unidentified person. The petitioner hit his Innova car on left side of the car of complainant. Petitioner-Mandeep Pal Singh accompanied by unidentified person and other companions dragged Jaswinder Singh from the car and took him to the

compound of nearby quarters and gave *kirpan* blow above the eye on left side of the head and other blows on the head of Jaswinder Singh. Gurwinder Singh gave *kirch* blow on chin of Jaswinder Singh while unidentified person, who was armed with baseball bat, gave blow on his left arm near the elbow. Complainant and her maternal aunt raised *rolla* which attracted people to the site and accused ran away from the spot.

4. Learned counsel for the petitioner has argued that the petitioner is in custody since 27.01.2015. The dispute between parties is regarding some property. The trial has not been completed. Complainant had represented before this Court that the accused are threatening her and her allegations have been found false in police enquiry as per affidavit placed on record today. There is no lapse on the part of the petitioner in delaying the case, as such, he is entitled to be released on bail.

5. While refuting submissions made by learned counsel for the petitioner, learned State counsel and counsel for the complainant have argued that there is no delay on the part of the complainant or prosecution in producing the witnesses. Complainant had appeared in Court on the first date after framing of charge and got her statement recorded. Thereafter, adjournments were granted either on the request of defence counsel or because the additional accused were ordered to be summoned under Section 319 Cr.P.C. who filed revisions and proceedings before the trial Court were stayed by this Court. They have submitted that Mandeep Pal Singh is the main accused and his release on bail will adversely affect the prosecution case as the maternal aunt of complainant, who is material witness, is yet to be examined.

6. On giving a careful thought to submissions of learned counsel for the petitioner and learned State counsel, I find no merit in the submissions of learned counsel for the petitioner. Perusal of the interim orders placed on

record show that on the first date after framing of charge, complainant-Mandeep Kaur appeared and her examination-in-chief was recorded. Her cross-examination was deferred on the request of defence counsel engaged by the petitioner. Thereafter, the prosecution filed application under Section 319 Cr.P.C. on 14.09.2015, which was decided on 15.01.2016 and Gurwinder Singh and Bhupinder Singh were ordered to be summoned as additional accused who did not put in appearance and vide order dated 18.03.2016 passed by this Court further proceedings in the trial were stayed. Mandeep Kaur was again summoned for her further cross-examination and she had been appearing on each and every date and was also cross-examined. Revision petition filed by Gurwinder Singh, who was summoned as additional accused was dismissed while revision petition filed by Bhupinder Singh @ Jyoti Tiwana was allowed and trial Court vide order dated 26.09.2016 ordered for summoning of accused Bhupinder Singh @ Jyoti Tiwana but later on corrected the order to summon Gurwinder Singh. The case is now fixed for 25.01.2017 for service of Gurwinder Singh through non-bailable warrants.

7. Above details of proceedings that have taken place before the trial Court show that there was no attempt on the part of complainant or prosecution to delay the proceedings before the trial Court. Petitioner is the main accused and material witnesses are yet to be examined.

8. Keeping in view the gravity of offence, I find no reason to grant the benefit of bail to petitioner-Mandeep Pal Singh at this stage, hence, this bail application is dismissed.

January 11, 2017

jk

Whether speaking/Reasoned

Whether Reportable

(SURINDER GUPTA)

JUDGE

Yes/No

Yes/No