

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

217

CRM-M-43830-2017

Date of Decision:18.12.2017

Manpreet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Naveen Bawa, Advocate,
for the petitioner.

Mr.M.S.Nagra, A.A.G., Punjab.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.135 dated 20.08.2017 under Sections 302, 307, 323, 324, 452, 447, 511, 506, 427, 120-B, 148, 149 IPC, Sections 25, 27 of the Arms Act and Sections 3(1)(X), 3(2)(V) of the Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act, registered at Police Station Lopoke, District Amritsar.

Learned counsel for the petitioner has argued that the aforesaid FIR was registered on the basis of statement of Harjit Singh and interestingly Harjit Singh has not named the petitioner in the FIR. It is only after registration of the FIR, he has made a supplementary statement of even date to the effect that at the time of recording the initial version, he was under fear and confusion and therefore, could not state the name of some other persons including the petitioner. He further states that the injury

which led to the death of Sukhdev Singh was allegedly caused by Rupinder Singh.

Learned State Counsel, on instructions from the investigating officer, does not dispute the period of custody of the petitioner and states that no doubt Sukhdev Singh died because of gun-shot injury caused by Rupinder Singh, however, he states that in his supplementary statement, complainant-Harjit Singh has specifically named the petitioner.

I have heard learned counsel for the parties.

Initially, the complainant has not named the petitioner in the FIR and it is only in his supplementary statement, he has named other accused including the petitioner. The petitioner was also an eye-witness to the occurrence and therefore, the plea of the complainant that he was under fear and confusion at the time of recording the initial version, is sufficient to admit the petitioner on regular bail, who is otherwise in custody since 20.08.2017. Even otherwise, no specific injury is attributed to the petitioner.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of the trial Court.

December 18, 2017
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No