

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

CRM-M No.19266 of 2018

Date of Decision: 20.12.2018

Mander Singh @ Mandir Singh

....Petitioner

Versus

State of Punjab

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Ankush Singla, Advocate
for the petitioner.

Mr. Amit Mehta, Sr. D.A.G., Punjab.

Mr. Saurabh Arora, Advocate
for the complainant.

DAYA CHAUDHARY, J. (ORAL)

This petition has been filed by accused petitioner-Mander Singh @ Mandir Singh under Section 439 Cr.P.C for grant of regular bail to him in case FIR No.89 dated 14.12.2016 registered under Sections 302, 460, 457, 380/34 IPC at Police Station Bhadaur, District Barnala.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas, he was not involved. No connecting evidence has been collected during investigation. Only on the basis of extra judicial confession made by co-accused Satnam Singh after a period of more than two months of the date of occurrence, the petitioner has been implicated. Learned counsel also submits that earlier the FIR was registered under Section 460 IPC but subsequently, the charges were framed under Sections 302, 460, 457, 380/34 IPC. The bail petition filed by the petitioner has been dismissed by the trial Court only on the ground that the material witnesses have not been examined, whereas, now all material

witnesses have been examined. The petitioner is in custody since 17.02.2017 and co-accused Satnam Singh @ Lovely has been released on regular bail vide order dated 03.11.2017 passed in ***CRM-M No.36077 of 2017***. Now the official witnesses are there and there is no possibility that the petitioner may influence the witnesses.

Learned State counsel has not disputed the custody period as well as release of co-accused Satnam Singh @ Lovely on regular bail. However, learned State counsel submits that a direction may be issued to the trial Court to expedite the trial.

Learned counsel for the complainant has also vehemently opposed the submissions made by learned counsel for the petitioner.

Heard the arguments of learned counsel for the parties and have also perused the contents of the FIR as well as other documents available on the file.

Admittedly, co-accused Satnam Singh @ Lovely has been released on regular bail vide order dated 03.11.2017. The present petitioner is in custody since 17.02.2017. All material witnesses have been examined. No evidence has been brought on record of this Court as to how the petitioner has been connected with the offence. Only on the basis of extra judicial confession, which was made after a period of two months of the date of occurrence, the petitioner has been implicated. The conspiracy is a matter of evidence, which shall be considered by the trial Court.

Accordingly, by considering the custody of the petitioner since 17.02.2017; the fact that co-accused Satnam Singh @ Lovely has been released on regular bail; all material witnesses have been examined and

there is no possibility that the petitioner may influence the witnesses, the present petition is allowed and petitioner, namely, Mander Singh @ Mandir Singh is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

20.12.2018
gurpreet

(DAYA CHAUDHARY)
JUDGE

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