

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

Crl. Misc. No.M-28625 of 2018

Date of Decision:- 28.08.2018

Manpreet Singh @ Mani

....Petitioner

vs.

State of Punjab

....Respondent

BEFORE :- HON'BLE MR. JUSTICE SUDHIR MITTAL

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

Mr. Kirat Singh Sidhu, DAG, Punjab.

Sudhir Mittal, J. (Oral)

The petitioner seeks regular bail in case FIR No.32 dated 10.9.2012 registered at Police Station Thulliwal, District Barnala under Sections 302, 427, 34, 120-B IPC.

According to the contents of the FIR, the petitioner brought his car alongside the car of the deceased person and fired pistol shot upon him.

Learned counsel for the petitioner submits that the petitioner has been in custody since 21.2.2013. The trial is still not complete and 10 more witnesses remained to be examined and thus, no useful purpose would be served by keeping the petitioner in custody especially when other co-accused have been granted regular bail by this Court. He further submits that the case of the prosecution is self-contradictory inasmuch as in the challan dated 30.9.2012, the petitioner was not named as an accused and the persons named as accused therein were subsequently declared innocent in the supplementary challan dated 2.3.2013 wherein the name of

the petitioner was included. The recovery of the weapon allegedly used by the petitioner has not been made from him. One pistol has been recovered from a co-accused who has already been granted regular bail. Thus, the petitioner be also released on regular bail.

Affidavit dated 27.8.2018 prepared by Sh. Jasbir Singh PPS, Deputy Superintendent of Police, Sub Division, Mehal Kalan, District Barnala filed in Court today and is taken on record. A copy thereof has been supplied to learned counsel for the petitioner.

Learned State counsel opposes the prayer for regular bail. He submits that use of pistol is proved from the fact that six empty cartridges and two live cartridges were recovered from the spot and two live cartridges were recovered from the car of the deceased. He, however, concedes that the pistol allegedly used in the offence has been recovered from the co-accused of the deceased in another FIR viz. FIR No.95 dated 3.12.2012 registered under Sections 399, 402/489/411 IPC and Section 25 of the Arms Act, 1959. Moreover, the petitioner is accused in 15 other cases, out of which he had been acquitted in 7 cases and has been convicted in 3 cases under Sections 399, 402, 307 IPC. His contention is that the petitioner is a hardened criminal and does not deserve the concession of regular bail. He further submits that while filing challan dated 30.9.2012, the petitioner had not been declared innocent. The challan had not been presented against him simply because he had not been arrested and a statement was recorded that further action would be taken after the petitioner and others were arrested.

The petitioner is accused of a serious offence. He is a hardened criminal as is evident from the fact that 15 cases have been registered against him. The fact that the petitioner has been convicted in cases under Sections 399, 307 IPC also corroborate the fact that the petitioner is a hardened criminal. Presently, only 10 witnesses remained to be examined, out of 33 PWs. Thus, it would not be

expedient to release the petitioner on regular bail even though his co-accused has been granted regular bail.

In view of the above, the present petition is dismissed. The trial Court is directed to expedite the trial.

August 28, 2018	(SUDHIR MITTAL)
poonam	JUDGE

Whether Speaking/Reasoned	Yes
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Whether Reportable	No
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