

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.201

CRM-M-37668 of 2018

DECIDED ON: September 07, 2018

MANINDER SINGH

..PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. H.S. Dhindsa, Advocate,
for the petitioner.

Mr. Navdeep Chhabra, Deputy Advocate General, Punjab,
for respondent No.1.

Mr. Parampreet Singh Paul, Advocate,
for respondent No.2-complainant.

JASPAL SINGH, J. (ORAL)

By virtue of the instant petition, preferred under Section 438 Cr.P.C., petitioner has sought pre arrest bail in complaint No.1 dated 02.04.2016 (P-4) titled as ***Daljit Singh vs. Mantej Singh & Anr.*** wherein he has been summoned to face trial under Sections 307, 326, 324, 323, 506, 34 of IPC during the pendency of aforesaid complaint.

2. Undisputably, after the occurrence, FIR No.61, dated 10.05.2015, under Sections 326, 324, 323, 506 & 34 IPC was registered at P.S. Morinda and after due investigation, report under Section 173(2) Cr.P.C. was presented in the Court of learned Jurisdictional Magistrate and petitioner along with his co-accused was chargesheeted to face trial under Sections 326, 324, 323, 506 with the aid of Section 34 IPC. Besides the

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aforesaid State case, complainant also opted to file a regular complaint under Section 307, 326, 324, 323, 506 read with Section 34 IPC. Now vide order dated 31.05.2018 (P-9) passed by Judicial Magistrate Ist Class, Rupnagar, petitioner has been summoned to face trial under Section 307 IPC in addition to other offences. Earlier, petitioner was granted the concession of bail in the State case after having suffered incarceration for a period of approximately 5 ½ months. He remained on bail during the trial.

3. As far as the instant petition for pre-arrest bail is concerned, it has been sought in a complaint case referred to above and for that reason, his custodial interrogation is not at all required and his presence is only sought for proceeding with the trial of the aforesaid complaint.

4. This Court is of the considered view that no purpose would be served by sending the petitioner behind the bars especially in view of the fact that he has already suffered incarceration for a period of approximately 5 ½ months in respect of the same occurrence regarding which FIR No.61, dated 10.05.2015 was registered and he is already facing the trial therein.

5. In the light of what has been discussed above, instant petition is allowed and petitioner is ordered to be released on bail at the satisfaction of learned trial court/Duty Magistrate, Roop Nagar.

September 07, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**