

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

CRM-M No. 4209 of 2019
Date of decision : February 28, 2019

Manjinder Singh

..... Petitioner

v.

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Arjun Sharma, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, DAG Punjab

Ajay Tewari, J (Oral)

The petitioner seeks grant of regular bail in case FIR No.117, dated 5.7.2016, registered under Sections 382/34, 397 of the IPC and Section 25 of the Arms Act, at Police Station Sadar Ludhiana.

Shri Sukhwinder Singh, Superintendent, Central Jail, Bathinda has appeared and has filed fresh custody certificate. He has accepted that there was an inadvertent mistake in the previous custody certificate and has apologized for the same. Apology is accepted.

Counsel for the petitioner has argued that as per the FIR, two unknown persons had attacked the complainant and there is no explanation as to how the petitioner was involved. He has now been in custody for six months and seven days.

Learned DAG Punjab states that when the petitioner was

brought on production warrant, the complainant recognized him.

In my opinion, this kind of process is of no consequence. Nothing prevented the police from conducting test identification parade of the petitioner and in case he had been identified by the complainant in the test identification parade it would have been a different situation.

In these circumstances, without commenting upon the merits of the case, and keeping in view the period of custody already suffered by the petitioner, I do not deem it appropriate to deny the concession of regular bail to the petitioner. Bail to the satisfaction of the trial Court/Duty Magistrate.

At this stage, Learned DAG Punjab points out that the petitioner is a professional criminal. He is involved in several cases and is also in custody in many of them. As per her, modus operandi of such persons is to get bail order and they do not furnish surety bonds because in any case they are in custody in other cases and will use this bail order only for the purpose of ultimate release in case they get bail in other cases.

In this view of the matter, I direct that in case the petitioner does not furnish surety bonds pursuant to this bail order, he would not be entitled to claim the period w.e.f 5.3.2019 onwards as custody period in the present case.

Petition stands disposed of.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

(AJAY TEWARI)
JUDGE

February 28, 2019
'kk'

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No

