

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

CRM-M-7426-2019
Date of decision: 25.02.2019

Manjit Singh @ Manga

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Vivek Aggarwal, Advocate for
Mr. Kamaljeet S. Mamrat, Advocate
for the petitioner.

Mr. M. S. Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 99 dated 28.09.2013, under Sections 452, 365, 354, 342, 323, 148, 149 of the IPC (Sections 452, 365, 354, 342 of the IPC deleted later on), registered at Police Station Sadar Faridkot, District Faridkot.

Learned counsel for the petitioner submits that as per the allegations in the FIR, nine persons including petitioner herein have entered into the house of complainant and have caused injuries to them and thereafter, three persons from the complainant's side were taken to the house of Surjit Singh and were again given beatings. It is further submitted that the motive in the FIR is attributed to Surjit Singh, on account of purchasing of 13 marlas of land by the complainant party which is adjacent to the house

of Surjit Singh and the accused party wanted to take its forcible possession.

Learned counsel for the petitioner has further submitted that no specific injury is attributed to the petitioner in the FIR and the co-accused of the petitioner have already been granted concession of regular bail and one co-accused Harjinder Singh @ Bhatti has been granted concession of anticipatory bail, vide order dated 14.12.2018 passed by this Court in CRM-M-55155-2018.

Learned State counsel, on the basis of the custody certificate filed in Court today and on instructions from ASI Gurwinder Singh, has submitted that petitioner has undergone judicial custody of 09 months and 28 days and he is involved in some other cases where in three cases, he has already undergone entire sentence and in one case, he stands acquitted.

Learned State counsel has further submitted that petitioner was earlier granted regular bail on 07.10.2013 and thereafter, he absented from court proceedings and was declared a proclaimed offender on 12.02.2018 and was arrested only on 26.05.2018.

In reply, learned counsel for the petitioner submits that since the petitioner was involved in other FIRs/cases and was in judicial custody, he could not appear before the trial Court in the present case, on account of which, he was declared a proclaimed offender.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that petitioner has undergone judicial custody of 09 months and 28 days and co-accused have already been granted concession of regular bail as well as anticipatory bail as noticed above, the instant petition is allowed.

The petitioner is ordered to be released on regular bail on his furnishing bail bonds and two sureties to the satisfaction of the trial Court/Duty Magistrate concerned.

February 25, 2019

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No