

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

106

**CRM-M-10329-2020
Date of decision: 20.03.2020**

Manpreet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Dharam Bir Bhargav, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, D.A.G., Punjab
for the respondent.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.02 dated 03.01.2009 under Sections 326, 325, 323 and 324 read with Section 34 of the Indian Penal Code, 1860 registered at Police Station Adampur, District Jalandhar.

The above said FIR was registered on statement of Ranjit Singh who alleged that he is an agriculturist and his haveli was situated near the factory of Bhupinder Singh which was lying closed. Bhupinder Singh, Balwinder Singh, Manpreet Singh (present petitioner) and Harminder Singh in conspiracy with each other used to raise the voice of the stereo and he stopped them from doing so. On 27.12.2008 at about 09:30 P.M. when he was going towards his haveli and his son Karamjit Singh was going ahead of him, all the accused wrongfully restrained him (Ranjit Singh). Accused Bhupinder Singh @ Bhinda gave kirpan blow on his left hand, accused Manpreet Singh

gave blows of danda on his right hand and his back. When he raised alarm his son and his wife Manjit Kaur came to rescue him from the clutches of the accused. Balwinder Singh gave daat blow to his son and Harminder Singh gave dang blow. Thereafter, the accused fled away from the spot. On investigation, the police charge sheeted the petitioner and his co-accused. On default in appearance, the petitioner was declared proclaimed offender vide order dated 03.12.2010. On trial his co-accused Bhupinder Singh and Baljinder Singh were acquitted vide judgment dated 18.08.2012 passed by learned Additional Chief Judicial Magistrate, Jalandhar. The petitioner filed CRM-M-51190-2019 in this Court for quashing of FIR and the proclamation order which is pending.

The petitioner, who is in custody, has filed the present petition for grant of regular bail.

Learned State counsel has appeared and opposed the bail application.

I have heard learned counsel for the petitioner and learned State counsel and gone through the record.

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. Non-appearance of the petitioner before the trial Court was due to wrong assurance given by the co-accused that the matter had been compromised. The petitioner went abroad and returned on 29.10.2019. The trial is likely to take long time. The petitioner is ready to abide by the terms and conditions regarding his appearance before the Court by furnishing heavy surety and no useful purpose will be served by his further

detention in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State counsel has argued that the in view of his previous conduct the petitioner does not deserve the grant of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation and evidence against the petitioner, role attributed to him, the fact that the trial is likely to take long time and also the fact that his co-accused Bhupinder Singh and Baljinder Singh, who were named in the FIR with him, have already been acquitted but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal bond and bond of one surety in heavy amount to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

20.03.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No