

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-16489 of 2020 (O&M)

Date of decision:13.08.2020

Manpreet Singh @ Mani

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Jashandeep Singh Sandhu, Advocate
for the petitioner.

Mr. Pawan Sharda, Deputy Advocate General, Punjab.

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 pandemic.

CRM No.19447 of 2020

Prayer in the application is for placing on record the statements of prosecution witnesses, Kulwinder Singh (PW-1), Lakhwinder Singh (PW-2) and Baldev Singh (PW-3) as Annexures P-3, P-4 and P-5, respectively.

CRM is allowed. Annexures P-3 to P-5 are taken on record.

CRM-M-16489 of 2020

The petitioner is seeking regular bail in case FIR No.10 dated 18.02.2018 under Sections 380, 302, 201 of Indian Penal Code, 1860 (for brevity "IPC") and Sections 27, 54 and 59 of Arms Act, 1959 registered at

Police Station Balianwali, District Bathinda.

Counsel for the petitioner submits that FIR was registered on the statement of Kulwinder Singh to the effect that during the intervening night of 15.02.2018 and 16.02.2018, his son Gurpreet Singh went missing. He also discovered that his double barrel gun alongwith cartridge and some cash were also missing. FIR was registered under Section 380 IPC. Later on, the dead body of Gurpreet Singh was recovered and offence under Sections 302, 201 IPC and provisions of Arms Act, 1959 were added. .

Counsel has taken the Court through the prosecution evidence of Kulwinder Singh, Lakhwinder Singh and Baldev Singh, Annexures P-3 to P-5 to contend that all the three material witnesses have resiled from the previous statements made by them before the police and they have been declared to be hostile. His argument is that in view of the fact that complainant himself is not sticking to the statement, the offence alleged against the petitioner is not made out. He further submits that the petitioner is behind bars since 26.02.2018 and there is no other case pending against him.

On the other hand, State counsel, upon instructions from SI Gurpreet Singh, argues that double barrel gun alongwith cartridge was recovered from the petitioner and the forensic report confirms the fact that the firing upon the deceased was from the said double barrel gun. He submits that out of total 26 prosecution witnesses, besides the three above-named witnesses, statement-in-chief of 13 official witnesses has been recorded and their cross-examination is fixed for 28.09.2020.

Keeping in view the above background and the fact that the petitioner has undergone incarceration for a period of more than 02 years and 05 months and the trial is likely to take sometime, no useful purpose would be served by keeping the petitioner behind the bars any further.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

It is clarified that any observation made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

August 13, 2020
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No