

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

Sr. No.207

**Crl. Misc. No.M-31349 of 2020
DATE OF DECISION: October 30, 2020**

MANJIT SINGH @ TINKU

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Ms. Jasneet Mehra, Advocate, for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

SUDHIR MITTAL, J. (ORAL)

The petitioner seeks grant of regular bail in case FIR No. 147 dated 07.06.2020 registered at Police Station Gate Hakima Amritsar, District Amritsar, under Sections 302, 452, 336, 506, 148, 149 IPC (Sections 216, 120-B IPC added later on) and Sections 25 and 27 of Arms Act, 1959.

Learned counsel for the petitioner submits that the petitioner has been in custody for more than 04 months. The trial has not even commenced as even charge have not been framed as yet. There is no other criminal case pending against the petitioner. The petitioner is not alleged to have committed the murder and even if the case of the prosecution is taken as gospel truth, he was only standing outside while the murder was committed. Co-accused namely Harwinder Hans from whom the motorcycle used in the crime was recovered, has been granted regular bail

Crl. Misc. No.M-31349 of 2020

by this Court vide order dated 08.09.2020 passed in CRM-M-25534-2020 (Annexure P-3). Thus, the petitioner may be granted regular bail.

Custody certificate dated 30.10.2020 has been produced in Court. The same is taken on record. According to this certificate, the petitioner has undergone actual custody of 04 months and 15 days and there is no other criminal case pending against him.

Learned State counsel concedes that charges have not yet been framed. He, however, opposes the bail on the ground that the petitioner was part of an unlawful assembly which came to the house of the deceased and was thus, involved in the conspiracy to commit murder. A serious offence has taken place and the petitioner does not deserve the concession of regular bail.

From the aforementioned submissions, it is evident that the petitioner has been in custody for 04 months and 15 days and there is no other criminal case pending/decided against him. The trial is also not likely to be concluded at an early date. Co-accused namely Harwinder Hans from whom the motorcycle used for escaping from the spot was recovered, has been granted regular bail by this Court vide order dated 08.09.2020 passed in CRM-M-25534-2020 (Annexure P-3). Even if the case of the prosecution is taken at face value, the only allegation against the petitioner is that he stood outside the house of the deceased while the murder was committed. Thus, actual attribution of murder has not been made against the petitioner.

Thus, I deem it appropriate to grant the petitioner regular bail.

Crl. Misc. No.M-31349 of 2020

The petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

Nothing stated herein above shall be construed to be an expression of opinion on the merits of the case.

October 30, 2020
Ankur

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No