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

(Through video conferencing)

**CRM-M No.13409 of 2021
Date of Decision: 01.12.2021**

MANPREET SINGH @ MANI

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. K.S. Brar, Advocate
for the petitioner.

Mr. Chaman Lal Pawar, Sr. D.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail in his second attempt under Section 439 Cr.P.C in case bearing FIR No.165 dated 21.11.2019 registered under Sections 307, 506, 341, 34 IPC (Section 302 IPC added later on vide G.D. No.27 dated 27.07.2020) and Section 25 of the Arms Act at P.S. Dialpura, District Bathinda. First petition for regular bail bearing CRM-M No.18547 of 2020 was got dismissed as withdrawn with a liberty to file fresh petition with better particulars.

Learned counsel for the petitioner submits that the

aforesaid petition was filed without incorporating the factum of GD No.27 vide which the offence under Section 302 IPC was added on 27.07.2020.

As per allegations in the FIR, the complainant Happy Singh and his brother Gurpreet Singh @ Midda were going on Bhai Behlo road on motorcycle. When they reached near the bridge of drain, they were intercepted by Avtar Singh @ Tar, Manpreet Singh @ Mani (petitioner) and Harpreet Singh @ Happy near the electricity shop of Harpreet Singh @ Happy. All the three accused stopped the complainant and his brother and started beating Gurpreet Singh @ Midda. The complainant and his brother Gurpreet Singh @ Midda entered the shop of Harpreet Singh @ Happy and Avtar Singh @ Tar also followed them inside the shop. He brought out pistol from his waist and fired upon Gurpreet Singh @ Midda with an intention to kill him. The bullet hit on the neck of Gurpreet Singh @ Midda and he fell down. The complainant fled away from the shop by raising alarm. Avtar Singh @ Tar also fled away towards the drain by firing shots. Harpreet Singh @ Happy also fled away from the shop by passing through the houses. On hearing alarm, people followed the petitioner and they started pelting stones at him. The Police also reached there and took the petitioner to Hospital in an injured condition. The complainant also took his brother Gurpreet Singh @ Midda to Bhagta Hospital from where he was

referred to Hospital at Bathinda and then to Adesh Hospital, Bhucho Mandi. Gurpreet Singh @ Midda died on 03.07.2020.

Learned counsel for the petitioner submits that no overt act has been attributed to the petitioner. The fire arm injury upon the person of the deceased was attributed to Avtar Singh @ Tar. Only presence of the petitioner is shown. Petitioner is in custody since 21.11.2019. No recovery has been effected from him except the alleged recovery of motorcycle belonging to the deceased.

Learned counsel further submits that recovery of the motorcycle of the deceased at the spot from where the petitioner himself was arrested remains doubtful and would show the high handedness of the police in planting such a recovery in the facts and circumstances of the case. Challan has been presented. Even charges have been framed, but no prosecution witness has been examined so far.

On the other hand, learned State counsel opposed the bail on the ground of gravity of the offence. Learned State counsel submits that the next date of hearing is 20.12.2021.

Looking to the facts and circumstances of the case, particularly in view of the fact that no injury has been attributed to the petitioner except his presence at the spot, I deem it appropriate to enlarge the petitioner on regular bail, keeping in view the prevailing situation arisen out of COVID-19 pandemic.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

December 01, 2021	(RAJ MOHAN SINGH)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No