

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

208

CRM-M-24020-2021

Date of Decision : September 29, 2021

MANPREET SINGH @ SUNNY

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Subhash Kumar, Advocate
for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

Through Video Conferencing

JASGURPREET SINGH PURI. J. (Oral)

The present 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.19, dated 11.02.2020, under Sections 307, 326, 324, 148, 149 IPC registered at Police Station Sadar, District Kapurthala.

The learned counsel for the petitioner has submitted that the present petitioner was falsely implicated in the present case and he is in custody for the last 6 months and 5 days and the investigation of the case is already complete and the challan under Section 173 of the Code of Criminal Procedure has already been presented on 08.06.2021. He has further submitted that it is a case where there was a delay of two days in lodging of the FIR as the incident had allegedly taken place on 09.02.2020 and the FIR was lodged at the instance of one Dilbagh Singh

on 11.02.2020. He has further submitted that as per the allegations, the petitioner alongwith other persons had given beatings to three persons including the complainant Dilbagh Singh but these persons had got themselves admitted in Arman Hospital, Jalandhar but they never went to Civil Hospital, Kapurthala. He submitted that there was a delay of two days in lodging of the FIR coupled with the fact that they got themselves admitted in a private hospital would show that the petitioner has been falsely implicated in the present case. He further submitted that so far as the injuries suffered by the other two persons namely Sukhpal Singh and Kirandeep Singh are concerned, they were simple in nature and allegedly the injury suffered by Dilbagh Singh was grievous in nature. He has further submitted that be that as it may, the investigation of the case is already complete and no recovery is to be effected from the petitioner and therefore, he may be considered for the grant of regular bail. He has submitted that although the petitioner is involved in three more cases but the pendency of those FIRs would not become an impediment for the grant of regular bail to the petitioner in the present case. He submitted that in one of the FIRs i.e. FIR No.110 dated 08.07.2019, the petitioner is already on bail and so far as the remaining two FIRs are concerned, the same involved cases of simple injuries, in which compromise has been effected between the parties.

On the other hand, Mr. Sandhu, learned AAG, Punjab has submitted that so far as the custody of the petitioner is concerned, the same is not in dispute and he is in custody for the last 6 months and 5 days. It is also not in dispute that the investigation of the case is complete

and the challan has already been presented on 08.06.2021. He has, however, submitted while referring to the affidavit filed by the State that the petitioner has concocted some story with regard to the CCTV recording but the same has neither been produced before the Court nor before the police. He has further submitted that the pendency of the three FIRs against the petitioner would disentitle the petitioner for the grant of regular bail.

I have heard the learned counsels for the parties.

From the perusal of the FIR and the affidavit filed by the State, it can be seen that the petitioner is involved in three other cases. However, the learned counsel for the petitioner submitted that he is under-trial in one of the cases, whereas he has been granted bail in the remaining two FIRs, a compromise has been effected because it involved simple injuries. The investigation of the case is already complete and the challan has already been presented and the petitioner is in custody since more than 6 months. In the affidavit, which has been filed by the State, in para No.12, it has been stated that since the petitioner has committed heinous offence, he is not entitled for grant of bail and in case, he is released on bail, he may tamper with evidence. However, such kind of averment seems to be totally mechanical in nature and there is nothing in the affidavit nor in the submissions of the learned State counsel as to on what basis such an averment has been made and there is no sufficient material available to support such an averment. The pendency of other three cases would certainly not become an impediment for the grant of bail to the petitioner.

In view of the above and taking into consideration the totality of the facts and circumstances of the present case, this Court deems it fit and proper to grant bail to the petitioner.

Consequently, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and shall be meant only for the decision of present petition.

September 29, 2021
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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No