

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

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CRM-M-34605 of 2021

Date of decision:23.11.2021

Maninder Pal Singh @ Maninderjit Singh @ Bittu

... Petitioner

versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.Baljinder Singh, Advocate,
for the petitioner
Mr.M.S.Nagra, AAG, Punjab
...

AMOL RATTAN SINGH, J. (Oral)

By this petition, the petitioner seeks the concession of 'regular bail' under the provisions of Section 439 of the Cr.P.C., upon FIR no.119, dated 20.11.2019, having been registered at Police Station Banur, District Patiala, alleging therein the commission of offences punishable under Sections 342/364/365/384/420/465/468/471/120-B of the IPC and Section 25 of the Arms Act, 1959.

On 28.9.2021 the following order had been passed in this case:-

“Case heard via video conferencing.

A detailed reply be filed by a gazetted officer in reply to the petition.

Adjourned to 10.11.2021.

It is to be noticed that learned counsel for the petitioner has submitted that 8 other co-accused of the petitioner have

been admitted to bail by this court.

It is seen in fact that those petitions were disposed of on 16.08.2021 by this very Bench on a statement made by learned State counsel (on instructions from the investigating officer), that their custodial interrogation was not required, they having been admitted to interim bail by this court (co-ordinate Bench) earlier in a petition filed under the provisions of Section 438 of the Cr.P.C.

Hence, with the investigating officer having made a statement to the effect that their custodial interrogation is not required, obviously as per the ratio of the judgment of the Supreme Court in M.C. Abraham v. State of Maharashtra (2003) 2 SCC 649, this court was bound to allow those petitions, as regards grant of bail is concerned.

However, as regards the present petitioners' role in the occurrence, the State would file a reply on merits."

Thereafter, a reply dated 8.11.2021 has been filed to the petition by the DSP, Rajpura, in which it is stated that the petitioner was found to be the person who had driven the car of one Faqir Chand (co-accused) in which the complainant is alleged to have been abducted from Kundli (District Sonapat, Haryana), and brought to Punjab.

It has also been stated that the petitioner was arrested on 2.5.2021 and that the report under Section 173(8) of the Cr.P.C. has been submitted arraigning him as an accused, with the trial still to commence.

Keeping in view the period of custody and the fact that the

petitioners' custodial interrogation is not required, and the instructions of learned State counsel being that there is no other criminal case registered against the petitioner, without making any comment on the actual merits of the case whatsoever, the petition is allowed, with the petitioner ordered to be admitted to bail, upon him furnishing adequate bail and surety bonds to the complete satisfaction of the learned trial court/CJM/Duty Magistrate concerned.

23.11.2021
pk

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No