

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

207-A

CRM-M-33255-2020

Date of decision: 22.01.2021

Manjit Singh and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Amaninder Preet, Advocate
for petitioner No.1-Manjit Singh.

Petition qua petitioner No.2-Sukhwinder Singh
was dismissed as withdrawn vide order dated 16.10.2020.

Mr. P.S. Walia, Asstt. A.G., Punjab
for the respondent-State.

Mr. P.S. Dhaliwal, Advocate
for the complainant.

ARUN KUMAR TYAGI, J. (ORAL)

(The case has been taken up for hearing through video conferencing.)

Petitioners-**Manjit Singh and Sukhwinder Singh** have filed the present (first) petition under Section 438 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for grant of anticipatory bail in case FIR No.134 dated 16.09.2020 registered under Sections 307, 324, 323, 341 and 148 read with Section 149 of the Indian Penal Code, 1860 (for short 'the IPC') in Police Station Dhanaula, District Barnala.

Vide order dated 16.10.2020 the petition qua petitioner No.2-Sukhwinder Singh was dismissed as withdrawn while petitioner No.1-Manjit Singh was granted interim anticipatory bail with direction to join the investigation and the relevant part of the said order reads as

under:-

"Petitioners-Manjit Singh and Sukhwinder Singh have filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.134 dated 16.09.2020 registered under Sections 307, 324, 323, 341 and 148 read with Section 149 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station Dhanaula, District Barnala.

At the very outset, learned counsel for the petitioners has submitted that petitioner No.2-Sukhwinder Singh does not want to continue with this petition and the same may be dismissed as withdrawn qua petitioner No.2.

The petition for grant of anticipatory bail to petitioner No.2-Sukhwinder Singh is accordingly dismissed as withdrawn.

So far as petitioner No.1-Manjit Singh is concerned, learned counsel for petitioner No.1 has submitted that petitioner No.1 has been falsely implicated in the case. As per the allegations made in the FIR Naibi Singh and Tehal Singh had fired on the complainant and his daughter who escaped the gun shots. Naibi Singh is alleged to have chased and run over the scooty of the complainant on the asking of petitioner No.1 which allegation is false. Petitioner No.1 is not alleged to have caused any injury to the complainant or his daughter. Similarly placed co-accused Kulwinder Singh has been granted interim anticipatory bail by this Court vide order dated 01.10.2020. Petitioner No.1 is ready to join the investigation.

Notice of motion.

Pursuant to supply of advance copy, Mr. N.K. Banka, DAG, Punjab has appeared and accepted notice on behalf of the respondent-State.

At this stage, Mr. P.S. Dhaliwal, Advocate has put in appearance on behalf of the complainant and he undertakes to file his power of attorney in the registry.

Learned State counsel and learned counsel for the complainant have submitted that petitioner No.1-Manjit Singh is the main accused and conspirator at whose instance the occurrence took place. Petitioner No.1 was annoyed with the complainant due to the complainant having mediated in the matter of payment of lease money by the petitioner to Rajwinder Singh. However, learned State counsel and learned counsel for the complainant seek time to file detailed reply.

Adjourned to 09.12.2020.

In case reply is not filed by the respondent-State on that date, concerned SHO and Investigating Officer of the

case shall remain present before this Court through video conferencing on that date.

*In the meanwhile, petitioner No.1-**Manjit Singh** is directed to join the investigation within 15 days from today. In the event of his arrest, petitioner No.1 shall be released on interim bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. Petitioner No.1 shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which he shall not be entitled to the protection of interim bail allowed to him."*

The petition qua petitioner No.1 has been contested by respondent-State and the complainant. However, no reply has been filed by the respondent-State or the complainant.

I have heard learned Counsel for petitioner No.1, learned State Counsel and learned Counsel for the complainant and have gone through the record.

Learned Counsel for petitioner No.1 has, while reiterating submissions made on 16.10.2020, submitted that in compliance with order dated 16.10.2020, petitioner No.1 has joined the investigation.

On the other hand, learned State Counsel and learned Counsel for the complainant have vehemently opposed the petition and submitted that in view of nature of accusation and gravity of offences, petitioner No.1 does not deserve grant of anticipatory bail. Therefore, the petition may be dismissed.

However, learned State Counsel has, on instructions from ASI Gurtej Singh, acknowledged that in compliance with order dated 16.10.2020 passed by this Court, petitioner No.1-**Manjit Singh** has joined the investigation and that his custodial interrogation in the present case is not required for effecting any recovery.

In view of the facts and circumstances of the case, nature

of accusation against petitioner No.1, the fact that custodial interrogation of petitioner No.1 is not required in the case and there is no material to justify the apprehension of petitioner No.1 fleeing from justice or tempering with evidence or criminally intimidating the prosecution witnesses but without expressing any opinion on the merits of the case, I am of the considered view that petitioner No.1 deserves the grant of anticipatory bail.

In view of the above, the petition is allowed and order 16.10.2020 granting interim bail to petitioner No.1-**Manjit Singh** is made absolute. However, petitioner No.1-**Manjit Singh** shall join the investigation again if and as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to him.

22.01.2021

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(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No