

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-49255-2021

DATE OF DECISION: NOVEMBER 29, 2021

MANINDER SINGH @ MIKKA

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. G.S. NAHEL, ADVOCATE FOR THE PETITIONER.
MR.A.S. DHALIWAL, DAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.2 dated 9.1.2021, under Section 302 IPC, Police Station Gobingarh Mandi, District Fatehgarh Sahib, who is in custody since his arrest on 12.1.2021.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Fatehgarh Sahib in the order dated 7.6.2021, are as under:-

“I have considered the rival submissions and after going through the record, it has transpired that instant FIR was registered on the statement of Paramjit Kaur that Himmat Singh is her youngest brother, who was married and who on 08.01.2021 he had gone with his friend Maninder Singh accused/ applicant to Delhi in his car bearing registration No. DL-2CA-6494 and till 08.01.2021 from 8 P.M to 10.45 P.M, she kept contacting him on mobile and her brother told that earlier they had gone to Singhu Border on farmer campaign and then they will go to Dhuri or Harmander Sahib and told that he is alongwith Maninder Singh in his car. Maninder

Singh accused/applicant also talked to Paramjit Kaur and told her that they will return next day afternoon. She further got recorded in her statement to the police that thereafter Maninder Singh informed Harsimranjit Singh son of Kulwant Singh, uncle of Paramjit Kaur at 1.15 P.M that Himmat Singh had jumped out of the running car and who has been hospitalized in Civil Hospital Mandi Gobindgarh. Maninder Singh also informed that there is nothing to worry as only right leg of Himmat Singh is fractured, but thereafter he told that Himmat Singh was referred to Patiala and on 09.01.2021, Maninder Singh informed her that Himmat Singh had died and thereafter Maninder Singh went missing and could not be contacted. Complainant believed that Maninder Singh had some quarrel with Himmat Singh during the Journey, who caused beating to him, which resulted in death of Himmat Singh. After recording this statement, police machinery swung into action and FIR was registered.”

Learned counsel for the petitioner has argued that as per the complainant herself, her brother left with the petitioner as they were good friends and had gone to Singhu Border to support the farmers agitation, but on their return journey, the victim jumped out of the moving vehicle and suffered multiple injuries causing his death. He submits that it was the petitioner who took the injured to the hospital, and also intimated the family of his friend. He has further drawn to the attention of the Court to the testimony of PW1 Dr.Wali Mohammad, who has stated that injury suffered by the victim could only be caused as a result of vehicular accident. Learned counsel further submits that there is no reason or motive for the petitioner to

commit the alleged offence and he has been falsely implicated. He prays that the petitioner be released on regular bail during the pendency of the trial.

On the other hand, learned counsel for the State assisted by ASI Mandeep Singh has opposed the aforesaid prayer, however, he does not dispute this fact that the victim had voluntarily gone with the petitioner and there is no history of any enmity between them. He further states that till date only one witness has been examined out of total 26 prosecution witnesses.

Considering the above background, custody of the petitioner and the fact that the investigation of the case is complete and out of total 26 prosecution witnesses, only one witness has been examined so far, therefore, this Court is of the opinion that further detention of the petitioner behind the bars may not be necessary for any useful purpose who is presently confined in judicial custody after his arrest on 12.1.2021, as the trial of the case is likely to consume considerable time to conclude.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

November 29, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No