

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

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CRM-M-404-2022

Date of decision: 27.05.2022

Manjinder Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr.Amit Dhawan, Advocate and
Mr.Harish Chander Tewari, Advocate
for the petitioner

Mr.R.S.Khaira, AAG Punjab

HARINDER SINGH SIDHU, J.

This is a petition filed under Section 439 Cr.P.C.for grant of regular bail to the petitioner in case FIR No.125 dated 05.11.2021, registered under Sections 307, 120-B and 34 of the IPC and Sections 25,27,54 and 59 of the Arms Act, at Police Station Lohian, District Jalandhar.

The FIR was registered on the complaint of one Hardev Singh, who stated that on 04.11.2021, at about 10.30 PM, he along with his friends Harmeet Singh and Ramandeep Singh were standing near the chowk of the village. Three persons riding on one bullet motorcycle and one person riding on a Splendor motorcycle came there. Ashman Singh was driving the bullet motorcycle. The complainant did not know the name of the person who was sitting behind him. The third person on the motorcycle was a close relative of Manjinder Singh (petitioner). The person on the Splendor motorcycle did not come near the complainant. The relative of the petitioner started arguing with Ramandeep Singh. He pushed Ramandeep Singh causing him to fall down. Thereafter the complainant and Harmeet Singh came forward to save Ramandeep Singh. The relative of the petitioner asked

his companion to fire at the complainant. The person sitting on the motorcycle took out a pistol and fired a shot which hit on the left side of the body of Harmeet Singh. The second shot hit on the right thigh of Harmeet Singh. The complainant came forward to save Harmeet Singh. Another person who was carrying pistol fired at the complainant with an intention to kill him and the shot pierced through his right thigh. Meanwhile, people gathered there and all the accused ran away with their motorcycles and weapons.

On the basis of the complaint, FIR was registered against the petitioner, Ashman Singh, un-identified relative of the petitioner and an un-identified person. During the course of the investigation, the statement of victim Ramandeep Singh was recorded on 06.11.2021. He stated that the person sitting in the middle was Harvinder Pal Singh and the third person on the motorcycle was Gurmeet Singh.

It is the case of the prosecution that the petitioner surrendered before the police on 16.11.2021. During the investigation, he disclosed that on 04.11.2021, he was present at his house in village Seechewal, along with one Jinder and Balbir Singh. They were taking alcohol. Meanwhile Ashman Singh, Harvinder Pal Singh and Gurmeet Singh came to his house. The same day the petitioner received a phone call from his friend Govinda, who informed him that Ashman Singh, Harvinder Pal Singh and Gurmeet Singh had fired at the complainant and Harmeet Singh. The petitioner also disclosed that he had enmity with Hardev Singh, Ramandeep Singh and Gurmeet Singh. The petitioner was afraid that he would be implicated in the case. Hence in order to save himself, he fired on his own leg with his licenced revolver and got himself admitted in Johal Multispeciality

Hospital, Jalandhar.

Mr.Dhawan, learned counsel for the petitioner has argued that other than the alleged disclosure statement of the petitioner himself there is no material to connect the petitioner with the crime. The other accused have not been arrested. Even the statements of Jinder and Balbir, who were allegedly present when the accused Ashman Singh, Harvinder Pal Singh and Gurmeet Singh had come to the house of the petitioner on 04.11.2021 have not been recorded. The petitioner is in custody since 16.11.2021. The investigation qua the petitioner is complete and the challan has been presented.

Considering the fact that the investigation in the case is complete and that the petitioner is in custody since 16.11.2021, and the trial of the case may take long time, no useful purpose will be served by keeping the petitioner in custody till the final disposal of the case.

This criminal miscellaneous petition is allowed and the petitioner-Manjinder Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(HARINDER SINGH SIDHU)
JUDGE

27.05.2022

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Whether speaking/non-speaking: Yes/No

Whether reportable: Yes/No