

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

SR. No.221

CRM-M-2648-2022

Date of Decision:21.07.2022

AMRITPAL ALIAS MANGA

...Petitioner

Versus

STATE OF PUNJAB

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Lakhwinder Singh Mann, Advocate,
for the petitioner.

Mr. R.S. Thind, DAG, Punjab

JASGURPREET SINGH PURI, J. (Oral)

Affidavit of SHO, Police Station Sadar, Kapurthala, filed in
Court today is taken on record.

The present petition has been filed under Section 439 of the
Code of Criminal Procedure for the grant of regular bail to the petitioner in
FIR No.210 dated 28.08.2020 under Sections
302/326/323/506/427/460/148/149 of the Indian Penal Code, registered at
Police Station Sadar Kapurthala, District Kapurthala.

It has been submitted by the learned counsel for the petitioner
that the petitioner has been falsely implicated in the present case on the
basis of disclosure statement of the co-accused and has submitted that after
framing of the charges, the material witnesses including that of eye witness
have already been examined and only the official witnesses are left. He
further submitted that other co-accused namely Ramanpreet Kaur @ Raman,
Balbir Kaur @ Jasvir Kaur, Avtar Singh @ Rikki, Jagtar Singh @ Jaggi and
Harnek Singh @ Neka, who were named in the FIR and had specific role

attributable to them, have already been released on bail. He further submitted that as per the prosecution story, the co-accused namely Harnek Singh @ Neka along with his nephew were the main accused in the present case and aforesaid Harnek Singh @ Neka has already been granted bail by a Co-ordinate Bench of this Court. He also submitted that the deceased had suffered simple and grievous injuries and he was discharged from the hospital and thereafter he was again admitted in the hospital and died due to heart attack and this was also one of the grounds on the basis of which, the other co-accused were granted bail. He further submitted that so far as the present petitioner is concerned, he is at parity with the other co-accused namely Manga, who was also granted bail by this Court in CRM-M-29384-2022. He further submitted that the case of the petitioner is on better footing than the case of other co-accused namely Avtar Singh @ Rikki, Jagtar Singh @ Jaggi and Harnek Singh @ Neka. He further submitted that the petitioner is in custody for the last more than 01 year and 03 months and therefore, he may be granted the concession of regular bail.

On the other hand, learned counsel for the State has submitted that it is correct that the petitioner is in custody since 23.04.2021 and the material witnesses have already been examined. He also submitted that the other co-accused as stated above have already been granted bail.

I have heard the learned counsel for the parties.

As per the learned counsel for the parties, the petitioner is in custody for the last more than 01 year and 3 months and material witnesses have already been examined. The other co-accused regarding whom specific role was attributable in the FIR itself, have already been released on

bail. The other co-accused namely Manga, who was at parity with the petitioner and was also named in the disclosure statement as the petitioner, has already been granted bail by this Court. Apart from this, it is not the case of the State that in case the petitioner is released on bail, then he may abscond or may influence any witness.

Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

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

(JASGURPREET SINGH PURI)
JUDGE

21.07.2022
mks

Whether Speaking/Reasoned: YES / NO

Whether Reportable: YES / NO