

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

208

CRM-M-1861-2022

Date of Decision: 21.09.2022

MANAK SINGH @ SUNNY LUDHIANA

....Petitioner

V/S

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Umesh Aggarwal, Advocate
for the petitioner.

Mr. Manipal Singh Atwal, DAG Punjab

Mr. Ramesh Kumar, ASI.

AMAN CHAUDHARY, J.

This petition has been filed under Section 439 of Code of Criminal Procedure, 1973 for the grant of concession of Regular Bail to the Petitioner in FIR No.254 dated 08.08.2020 registered under sections 307/452/43 of IPC 186 and Section 25 of Arms Act, 1959 and Section 120-B of IPC 1860 and Section 25(6, 7, 8)27/54/59 of Arms Act, 1959 (added later on) at P.S. Maqboolpura, District Amritsar.

Brief facts of this case are that an FIR was registered at the instance of complainant Amrik Singh @ Bitta with the allegations that he is residing in a rental accommodation at New Amritsar since 2019. The said house is owned by accused Balraj Kaur. Since the complainant along with his family was in home quarantine on account of having been tested positive for covid, Balraj Kaur owner along with her son Swaran Singh used to interfere in their quarantine by coming to the rental accommodation along

with some unknown person and by also raising threats to the complainant through gangsters lodged in the jail. He has further stated that it was on 02.07.2020 that he received life threat at his mobile phone No.9876021157 and on 07.08.2020 at about 8:00 PM when he was present inside his house, two cut surd boys aged between 20 to 25 years knocked the main door of his house and when he opened the door those boys entered inside the house and one of them fired a bullet to kill the complainant which hit his left leg above the knee as a result of which the complainant fell on the ground and both the assailants fled away from the spot. It is further stated by the complainant that he suspects the said attack of having been ordered by Balraj Kaur, her son Swaran Singh and her husband Sukhraj Singh. During the course of investigation, the co-accused Simranjit Singh had taken the responsibility of the attack on complainant Amrik Singh @ Bitta through his facebook ID, he was arrested in this case. After his arrest he suffered a disclosure statement that said attack was made on the complainant by him through the present applicant Manak Singh @ Sunny Ludhiana and non applicant Sahil @ Sahil Gardhela on the basis which the present applicant was also nominated in this case.

Learned counsel for the petitioner contends that in the FIR, no one was named; his name surfaced on the basis of disclosure statement of co-accused Sahil Gardela, who had stated that the petitioner was along with him while the firearm was used, whereby the complainant was injured on

his thigh. Learned counsel for the petitioner states that besides the aforesaid, there is not even an iota of evidence to connect him to the incident. He further submits that the recovery of the alleged weapons has also been effected from the co-accused and vehicle used in the offence was owned by the father of the co-accused. He further submits that he petitioner has been in custody since 17.10.2020.

Learned State counsel opposes the prayer on the ground that there are three more FIRs registered against the petitioner. In one of them, he has been convicted and in one, he was on bail.

Heard the learned counsel for the parties.

Keeping in view the facts and circumstances of the case, particularly that the name of the petitioner has surfaced only on account of confessional statement made by the co-accused during the investigation; there has been no recovery effected from him; he has been in custody since 17.10.2020; charges have been framed; none of the prosecution witnesses out of a total of 25 have yet been examined; since, the trial is yet to commence, which is likely to take some time, his further detention behind bars would not serve any useful purpose, the present petition for grant of regular bail deserves to be allowed.

Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to him not

being required in any other case. The petitioner shall abide by the following conditions:-

1. The petitioner will not tamper with the evidence during the trial.
2. The petitioner will not pressurize/intimidate the prosecution witnesses.
3. The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
4. The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
5. The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
6. The petitioner shall not in any manner misuse his liberty.
7. The petitioner shall surrender his passport and shall not leave the country without permission of the court.
8. Any infraction shall entail in withdrawal of the benefit granted by this Court.

In view of the above, this Court makes it clear that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on merits of the case and the trial would proceed independently of the aforesaid observations.

September 21, 2022
NainaRajput

[AMAN CHAUDHARY]
JUDGE

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