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

CRM-M No.9482 of 2022 (O&M)

Date of decision: 26.04.2022

Manak Singh @ Sunny Ludhiana

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.284 dated 10.09.2020, for offence punishable under Sections 307, 120-B, 34 of the Indian Penal Code, 1860 (in short 'IPC') and 25 of the Arms Act (Section 25(6, 7, 8)/54/59 of the Arms Act added later) registered at Police Station Maqboolpura, District Amritsar.

Counsel for the petitioner has submitted that as per the allegations in the FIR, registered at the instance of one Sajjan Singh, he along with his wife were going to Gurudwara and in between, 02 persons with muffled faces came from the back side on a motorcycle. The pillion rider, who was wearing a red cap and white t-shirt fired 02 shots from the pistol on the victim and the said bullets hit on his right leg and he fell down and when his wife started making hue and cry, both the accused ran away from the spot. It is further submitted that the petitioner was nominated in the case on the basis of the disclosure

statement of Simranjit Singh, after 02 years of the incident. It is also argued that the co-accused of the petitioner namely Karan Sharma @ Kalu, has already been granted the concession of bail vide order dated 08.04.2021 passed in CRM-M No.4432 of 2021. It is further submitted that the petitioner is in custody for the last 01 year, 06 months and 08 days, challan stands presented and since the charges have not been framed, therefore, out of 18 PWs, none has been examined.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 01 year, 06 months and 08 days; the co-accused of the petitioner is already released on bail; the custodial interrogation of the petitioner is not required; charges have not yet been framed and the conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

26.04.2022

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Whether speaking/reasoned:
Whether reportable:

(ARVIND SINGH SANGWAN)
JUDGE

Yes/No
Yes/No