

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

227

CRM-M-13547-2022
Decided on :05.04.2022

Manjinder Singh @ Kinda Singh Pardhan

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Navinder Jit Singh Dandiwal, Advocate
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C.
for grant of regular bail to the petitioner in case FIR No. 216 dated
27.11.2021 under Sections 306 and 34 of the Indian Penal Code, 1860
(Section 205 IPC added later on) registered at Police Station Nihal Singh
Wala, District Moga.

Learned counsel for the petitioner has submitted that in the
present case, the petitioner has been falsely implicated inasmuch as he has
nothing to do with the dispute between the deceased and co-accused
Narinder Singh @ Nindri inasmuch as, as per the allegations in the FIR,
Narinder Singh had a dispute with the deceased as he was suspecting that
the deceased was helping his wife Raman Kaur in leaving the said
Narinder Singh @ Nindri. It is further submitted that the only allegation
made in the FIR against the petitioner is a vague statement to the effect
that the present petitioner also threatened the deceased to leave Raman

Kaur, wife of Narinder Singh, at the house of said Narinder Singh, failing which the deceased would face dire consequences. It is further contended that there was no complaint made by the deceased with respect to the same prior to the date of the alleged incident. It is argued that even if the allegations in the FIR are taken to be true on face value, then also, the same would not constitute the offence under Section 306 IPC and the petitioner has been in custody since 06.12.2021 and challan in the present case has already been presented and there are as many as 26 witnesses out of whom, 22 witnesses are yet to be examined and thus, the trial is likely to take time.

Learned State counsel, on the other hand, has opposed the present application for regular bail and has submitted that the FIR was got registered by the deceased inasmuch as the deceased had died on 07.11.2021 and his statement had been recorded on 05.11.2021. It is further submitted that there is other material in the challan to link the petitioner to the dispute in question. The other factual aspects as stated by learned counsel for the petitioner are not disputed by the learned State counsel.

This Court has heard learned counsel for the parties and has perused the paperbook.

A perusal of the FIR would show that the primary allegations have been made against Narinder Singh @ Nindri (co-accused) to the effect that he used to threaten the deceased on account of the fact that Narinder Singh @ Nindri was suspecting that the deceased was helping his wife Raman Kaur in running away from the house of Narinder Singh. The

only allegation against the petitioner is to the effect that even the petitioner had threatened the deceased to leave the wife of Narinder Singh i.e. Raman Kaur at the house of Narinder Singh. It is the case of the petitioner that he has nothing to do with the said dispute. The question as to whether the offence under Section 306 IPC is made out in such circumstances would be a matter of debate which would be finally adjudicated at the time of trial. The petitioner has been in custody since 06.12.2021 and the investigation is complete and the challan in the present case has already been presented and there are as many as 26 witnesses, out of whom 22 witnesses are yet to be examined, thus, the trial is likely to take time.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate and subject to his not being required in any other case.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

April 5th, 2022

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No