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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.17953 of 2022 (O&M)

Date of decision: 23.08.2022

Manwinder Singh @ Monu

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Yashpal Thakur, Advocate
for the petitioner.

Ms. Jasleen Kaur Sidhu, 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.0113 dated 23.11.2021, for offence punishable under Sections 307, 323, 506, 148, 149 of the Indian Penal Code, 1860 (in short 'IPC') Section 25 of the Arms Act, registered at Police Station Badali Ala Singh, District Fatehgarh Sahib.

Counsel for the petitioner has relied upon the order dated 20.04.2022 passed in CRM-M No.516 of 2022, vide which the co-accused namely Jagdeep Singh @ Jaggi was granted the concession of regular bail. The operative part of the said order, reads as under:-

“Learned counsel for the petitioner submits that the FIR was registered at the instance of one Gurpreet Singh with the allegations that he is working in a laboratory and about ten days ago, Monu and Babbal had come to his laboratory and had verbal spat. While leaving, both of them had threatened. On 22.11.2021, the complainant

along with Hardeep Singh, Ravinder Singh and Gurpreet Singh were going in a car and in the meantime, Babbal's brother namely Jaggi (the present petitioner) knocked at the window of the car. On this, all of them came out of the car and the petitioner raised an objection that why have they parked their car outside his barber shop. Thereafter, an argument took place between them. Later on, the petitioner armed with Danda, Babbal armed with iron rod, Bhalinder armed with wooden Danda, Shamshad Ali @ Jaggi and Monu came out and Babbal raised lalkara for teaching a lesson and they all attacked the complainant's party. Jaggi and Monu caught hold of Hardeep Singh and Shamshad Ali @ Jaggi fired shot in the abdomen of Hardeep Singh with intention to kill him and he fell down. Bhalinder Singh gave a Danda blow on the head of Hardeep Singh and also gave him fist blows. When the raised voice, all the accused ran away from the spot.

Learned counsel further submits that the injury invoking Section 307 IPC is attributable to co-accused Shamshad Ali @ Jaggi; the petitioner is in judicial custody since 24.11.2021; challan stands presented and the petitioner is not involved in any other case.

Learned State counsel, on the basis of the custody certificate, has not disputed the factual position and submitted that challan stands presented, however, the charges are yet to be framed.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in judicial custody since 24.11.2021; he is not involved in any other case and also in view of the fact that the conclusion of trial is likely to take a long time as even the charges are yet to be framed, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his

furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.”

Counsel for the petitioner has further submitted that the allegations against the petitioner are identical in nature. It is additionally argued that the petitioner is not maintaining good health in the Jail as he is an HIV patient.

Custody Certificate as well as the affidavit of the Deputy Superintendent of Police, New District Jail, Nabha are filed in the Court and as per the Custody Certificate, the petitioner is in custody for the last about 09 months.

A perusal of the affidavit of the Deputy Superintendent of Police, New District Jail, Nabha, reflects that the Medical Officer of the Jail has reported the health condition of the petitioner as under:-

“It is submitted that as per record patient Manwinder Singh @ Monu s/o Daljit Singh, age 32 years, was admitted in New District Jail Nabha on 03.05.2022 vide transferred from Central Jail Ludhiana. Patient said he has taken ART (Anti-Retecoviral Treatment) HIV Medication. As if, we have no record of Medication of this patient. We demanded Medical Record of patient from Central Jail, Ludhiana. There is no any Medical Record of Patient in Central Jail, Ludhiana. So, for further Confirmation of the Viral Status of Patient the Patient was referred to Civil Hospital Nabha on 06.08.2022. According to Medical Report of Civil Hospital Nabha patient is on ART already. For Further Confirmation the Patient is referred to ART Center Rajindra Hospital Patiala by Civil Hospital Nabha and the ART no. of Patient is awaited.”

It is also stated that the petitioner is under constant medication in the supervision of the Jail Doctor.

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 about 09 months; the co-accused of the petitioner is already released on bail; the petitioner is suffering from HIV+; the custodial interrogation of the petitioner is not required 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.

(ARVIND SINGH SANGWAN)
JUDGE

23.08.2022

yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No