

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

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CRM-M-20731-2022

Date of Decision: 19.05.2022

MANPREET SINGH @ MANDEEP SINGH @ SONU

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Amit Dhawan, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

VINOD S. BHARDWAJ, J. (ORAL)

The petitioner has approached this Court for seeking regular bail under Section 439 of the Code of Criminal Procedure, 1973, in case bearing FIR No.287, dated 27.12.2020 under Sections 325, 451, 323, 506 and 34 of the Indian Penal Code, 1860 and Section 308 of the IPC has been added later on, registered at Police Station Kartarpur, District Jalandhar Rural.

Learned counsel refers to the FIR that has been registered on the statement of Kamaljit Kaur wife of Daljit Singh to contend that as per the allegations levelled in the FIR, the husband of the complainant is stated to have gone to the fields on 24.12.2020 at around 07.30 A.M. to get fodder for the cows. She had also gone later to extract milk and that when she reached there, Manpreet Singh alongwith other accused was alleged to have given beatings to her husband Daljit Singh. The petitioner is attributed to have given first blow with a wooden log, which hit the head of the husband

of the complainant. Subsequently, another wooden log blow is alleged to have been caused on the right thigh of her husband. Manpreet Singh is, then, alleged to extend threats. The motive behind the infliction of injuries accrued in relation to the partition of land. Learned counsel for the petitioner contends that the true genesis of the occurrence has been concealed and that even the mother of the petitioner has also suffered injuries on her head in the alleged incident and she was admitted to Civil Hospital in the month of December 2020, where she was medico-legally examined by the concerned doctor and a lacerated wound measuring 6.0 X 0.5 cms. was recorded on her left temporal parietal region. It is, thus, admitted that the petitioner has been roped-in in the instant case by the complainant party to prepare a defence for them qua causing injuries to the mother of the petitioner. It is pointed out that the police officials have registered the cross-version vide DDR No.25 dated 08.04.2021 under Sections 323, 354-A and 506 of the IPC at Police Station Kartarpur, District Jalandhar Rural. Learned counsel further submits that initially the FIR was registered under Sections 325, 451, 323, 506 and 34 of the IPC, wherein all the offences were bailable, however, later on Section 308 of the IPC has been added only to incarcerate the petitioner, who had already been enlarged on bail. He further contends that the petitioner is in custody since 26.09.2021 and that he does not suffer from any criminal antecedents. It is further pointed out that the investigation in the case is already complete and even the charges have also been framed, however, no prosecution witnesses has been examined till date.

Per contra, learned State Counsel contends that the injury

attracting Section 308 of the IPC is attributed to the petitioner. She, however, could not controvert the fact that the petitioner has already undergone custody for more than seven months and that he does not suffer from any other criminal antecedents. Besides, it is also not disputed that the prosecution evidence has not yet been commenced and that the case is still at initial stage.

Hence, taking into consideration the circumstances noticed above and the period of custody already undergone by the petitioner, the stage of trial, the fact regarding registration of cross-version and the age of the petitioner, I deem it appropriate to allow the instant petition.

Accordingly, the present petition is allowed and the petitioner Manpreet Singh @ Mandeep Singh @ Sonu is admitted to regular bail in the instant case subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate, concerned.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

Petition stands disposed of accordingly.

(VINOD S. BHARDWAJ)
JUDGE

19.05.2022
rajender

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