

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-20873-2022 (O & M)****Date of decision: 19.05.2022**

Manpreet Singh alias Mani

.... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Rajesh Kapila, Advocate, for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of the regular bail to the petitioner in a case FIR No.0276 dated 09.09.2021 (Annexure P-1) under Sections 379-B, 452, 323, 34 IPC registered with Police Station City Ferozepur, District Ferozepur.

2. The brief facts of the case are that the present FIR came to be registered on the complaint made by one Sahil with the allegations that on 08.09.2021 at about 5.30 a.m., when he was present in his shop, two unknown persons with muffled faces, one of them with *kappa* came to the shop of the complainant and gave a *kappa* blow on the complainant, which hit on his left hand, back, right thigh and fingers and also snatched the complainant's mobile phone and a cash of Rs.1,000/-. Thereafter, the accused persons fled away from the spot.

3. The learned counsel for the petitioner submits that the FIR had been registered against two unknown persons and the petitioner has been

implicated on the basis of a supplementary statement made by the complainant on 11.09.2021 whereby the complainant disclosed the name of the petitioner alongwith his co-accused/non-petitioner Gora. In fact, no identification parade has been conducted at the time of the arrest of the petitioner and even otherwise, the injuries allegedly attributed to the petitioner are simple in nature as per the MLR dated 08.09.2021. The petitioner is in custody since 11.09.2021 and only 04 out of 17 prosecution witnesses have been examined so far. He, thus, prayed for grant of regular bail.

4. The learned State counsel, on the other hand, submits that pursuant to the arrest of the petitioner, the *kappa* and mobile phone have been recovered from him on 13.09.2021. He further states that the co-accused of the petitioner, namely, Gora is still absconding and the petitioner has two pending cases against him. He, thus, contends that the petitioner is not entitled to the grant of regular bail.

5. I have heard the learned counsel for both the parties.

6. The petitioner is in custody since 11.09.2021 and only 04 out of 17 prosecution witnesses have been examined till date and, as such, the trial is not likely to be concluded in the near future. The custody certificate dated 18.05.2022 reveals that two other cases i.e. FIR No.178 dated 11.07.2018 under Sections 21, 29, 61,85 of the NDPS Act with Police Station Sadar Ferozepur and FIR No.148 dated 16.06.2015 under Sections 379, 411 IPC with Police Station Sadar Ferozepur, are pending against the petitioner, in one of which, he has been granted the concession of regular bail. In view of the above, the further incarceration of the petitioner is not required.

7. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Manpreet Singh alias

Mani, is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

The petitioner shall appear on first Monday of every month before the local police station and shall furnish an affidavit each time that he is not involved in any case than the cases as mentioned hereinabove.

(JASJIT SINGH BEDI)
JUDGE

May 19, 2022
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No