

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Date of decision : 12.07.2022

1.

CRM-M-23142-2022(O&M)

Manjeet Singh @ Nikka @ Manjit Singh

... Petitioner

Versus

State of Punjab

... Respondent

2.

CRM-M-24254-2022

Manjeet Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Saajan Singla, Advocate
for the petitioner in CRM-M-23142-2022.

Mr.Impinder Singh Dhaliwal, Advocate
for the petitioner in CRM-M-24254-2022.

Mr.R.S.Khaira, AAG, Punjab.

VIKAS BAHL, J.(ORAL)

CRM-23485-2022 IN CRM-M-23142-2022

This is an application under Section 482 Cr.P.C. for
preponement of the case which is listed for 20.07.2022.

Learned counsel for the applicant-petitioner has submitted that

the case of the co-accused, i.e. CRM-M-24254-2022 is also listed for today and thus has prayed that the main petition be preponed for today and be heard along with CRM-M-24254-2022.

Learned State counsel has stated that he has no objection to the said course of action.

In view of the above said facts and circumstances and no objection given by learned State counsel, the present application is allowed and the main petition is preponed from 20.07.2022 to today, i.e. 12.07.2022 and is taken up for hearing today itself.

CRM-23488-2022 IN CRM-M-23142-2022

This is an application under Section 482 Cr.P.C. for correction in the main petition.

Learned counsel for the applicant has submitted that it has been inadvertently mentioned in the head note, paragraph 2 and the prayer clause of the petition that FIR no.35 dated 17.02.2022 was registered at P.S. Lambi, District Sri Muktsar Sahib under Sections 326, 506, 34 of Indian Penal Code, 1860 instead of Sections 324, 506, 34 of Indian Penal Code, 1860. It is further submitted that all the corrections have been made in the amended petition and the said amended petition be taken on record and the petitioner be permitted to argue from the amended petition.

Learned State counsel has submitted that he has no objection in case the petitioner is permitted to argue from the amended petition and the amended petition is taken on record.

Keeping in view the above said facts and circumstances, the application is allowed and the amended petition is taken on record and the petitioner is permitted to argue from the said amended petition.

CRM-M-23142-2022 & CRM-M-24254-2022

This order will dispose of two criminal miscellaneous petitions filed under Section 439 Cr.P.C. for grant of regular bail to the petitioners in FIR no.35 dated 17.02.2022 registered under Sections 324, 506, 34 IPC (Sections 326, 307, 148, 149, 120-B IPC were added later on and Section 34 IPC was dropped) at Police Station Lambi, District Sri Muktsar Sahib, during the pendency of the trial.

The first petition, i.e. CRM-M-23142-2022 has been filed by Manjeet Singh @ Nikka @ Manjit Singh son of Darshan Singh and the second petition, i.e. CRM-M-24254-2022 has been filed by Manjeet Singh son of Gurjant Singh.

Learned counsel for the petitioners in both the petitions have jointly argued that in the present case, the petitioners were not named in the FIR and it is on 12.03.2022 that the complainant had got supplementary statement recorded and in the said supplementary statement, he had for the first time, named 5 accused persons and yet, had not named the present petitioners and had only stated that in addition to the said 5 accused persons, there were two unidentified persons as well. It is further submitted that a perusal of said supplementary statement would also show that no injury had been attributed to the said 2 unidentified persons and it is only on 28.03.2022, after a delay of more than 1 month and 9 days from the date of the registration of the FIR that the complainant had named the present petitioners as accused and had stated that the same was being done after the complainant had himself carried out investigation and even as per the said statement, no specific role had been attributed to the petitioners, much less any specific injury suffered by the complainant. It is submitted that the

petitioners have been in custody since 28.03.2022 and the challan has already been presented and there are 28 prosecution witnesses and none of them have been examined, thus, the trial is likely to take time and the petitioners are not involved in any other case. It is further submitted that the co-accused of petitioners namely Gurjeet Kaur, Ranjit Kaur, Paramjit Singh Brar, Harmeet Singh @ Kala and Sukhwinder Singh were granted anticipatory bail by this Court vide order dated 06.07.2022 passed in CRM-M-16726-2022, CRM-M-25351-2022 and CRM-M-26857-2022.

Learned State counsel, on the other hand, has opposed the present petitions and has submitted that the petitioners, in collusion with other co-accused, had caused two injuries to the complainant. The other factual aspects, however, have not been denied.

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

The petitioners had not been named in the FIR and it was mentioned therein that there were four unidentified persons and the FIR had, thus, been registered against unidentified persons. On 12.03.2022 a supplementary statement was got recorded by the complainant and even in the said statement, 5 persons were named as accused but the present petitioners were not named therein and it had only been stated that in addition to the said 5 persons there were 2 unidentified persons. A perusal of the statement would show that even in the said statement, no specific role had been attributed to the 2 unidentified persons. The petitioners for the first time had been implicated on 28.03.2022, i.e. after a delay of 1 month and 9 days from the registration of the FIR and even as per the second supplementary statement recorded on 28.03.2022, no specific role had been

attributed to the present petitioners, much less any specific injury. The petitioners have been in custody since 28.03.2022 and the challan has already been presented and there are 28 prosecution witnesses and none of them have been examined, thus, the trial is likely to take time and the petitioners are stated to be not involved in any other case.

Keeping in view the above said facts and circumstances, the both petitions are allowed and the petitioners are ordered to be released on bail on their furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to them not being required in any other case.

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 petition.

(VIKAS BAHL)
JUDGE

July 12, 2022
Davinder Kumar

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