

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M- 30754 of 2021 (O&M)

Date of decision : 29.11.2022

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Maninder Singh @ Mavi

.....Petitioner

vs.

State of Punjab

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Shivender Pal, Advocate

Mr. B.S. Bhalla, Advocate for the petitioner.

Mr. Kunal Muthreja, Assistant Advocate General,
Punjab.

Mr. Himmat Singh Sidhu, Advocate for the complainant.

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H. S. Madaan, J. (Oral)

This is second application for grant of regular bail filed by petitioner Maninder Singh @ Mavi, an accused in FIR No.34 dated 02.03.2020, for offences under Sections 307, 34 IPC (Sections 324, 148 and 149 IPC have been deleted and Section 34 IPC added at the time of framing of charge), registered with Police Station Sadar, Sri Muktsar Sahib.

In nutshell, the facts of the case, as per the prosecution story are that, on 28.02.2020, at about 11.30 AM, Harpreet Singh @

Khochha son of Boota Singh, R/o Model Town, Sri Muktsar Sahib had gone to saloon of complainant Hardeep Singh son of Phoola Singh, aged about 32 years, situated in front of road of Bajaj Motorcycle Agency, for hairdo; when the complainant demanded Rs.20/- as charges for doing hairdo, then Harpreet Singh @ Khocha started arguing with him, stating that the complainant was charging much more than the others and gave Rs.10/- to the complainant and thereafter, left the saloon; when the complainant asked him to pay remaining Rs.10/-, then Harpreet Singh @ Khocha told him that he would pay later on; on the same day, at about 06.30 PM, Harpreet Singh @ Khocha along with some other persons went to saloon of the complainant; Harpreet Singh @ Khocha called out the complainant, at that time Harpreet Singh @ Khocha was armed with a kapa, Sonu also armed with a kapa and two unknown persons accompanying them, were having sticks in their hands; Sonu gave a lalkara and Harpreet Singh @ Khocha hit the complainant on head with kapa; he did so with an intention to kill him; the complainant raised alarm, then Sonu gave kapa blows to the complainant on head, having an intention to kill him; the complainant fell down and some other persons gathered at the spot; then the assailants ran away from the place of incident along with respective weapons and vehicles; the complainant/injured was taken to Civil Hospital, Sri Muktsar Sahib from where he was referred to GGS Hospital, keeping in view his serious condition; on being informed, a police party came and recorded statement of complainant, on the basis of which formal FIR

was recorded and accused Maninder Singh @ Mavi was arrested in this case on 17.07.2020 and he is in custody since then. During investigation, involvement of three more persons in the incident was found to be there.

Petitioner/accused had filed an application for grant of regular bail before learned Sessions Judge, Sri Muktsar Sahib. However, the said application was dismissed, vide order dated 02.09.2020. As such, he had approached this Court earlier, by way of filing CRM-M-32832-2020 (O&M), craving for grant of regular bail, but that petition was dismissed vide order dated 14.1.2021, copy of which being Annexure P-5.

Thereafter, he has come to this Court again by way of filing the present petition for grant of regular bail, which request is being opposed by learned State counsel, as well as counsel for the complainant.

I have heard learned counsel for the parties besides going through the record.

When the first petition for regular bail was dismissed vide order dated 14.1.2021, i.e. about more than 1 year and 10 months, earlier, it was hoped that the trial against the petitioner-accused would be concluded expeditiously, but it is not so and as per report received from the trial Court, only 8 prosecution witnesses out of 21 prosecution witnesses have been examined so far. The pace at which the trial is going on, there is little likelihood of the same being completed in near future.

As per the latest custody certificate, placed on record by the State counsel, the petitioner -accused has undergone custody for a period of 2 years, 4 months and 11 days till date. Statement of complainant – eyewitness has since been recorded. As informed by the State counsel, on instructions from ASI Balwant Singh, there is no other eyewitness of the incident.

The petitioner – accused cannot be ordered to remain behind the bars for any more time. Under the circumstances, without going into the merits of the case, I find it proper and appropriate to grant the benefit of regular bail to the petitioner, though imposing requisite conditions, to ensure that he does not abscond and try to tamper with the prosecution evidence.

Accordingly, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing personal bonds and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate, Sri Muktsar Sahib, subject to the following conditions:-

- (i) he shall appear in the Court on each and every date of hearing;
- (ii) he shall not give any threat or intimidation to the prosecution witnesses;
- (iii) he shall not indulge in any criminal activity;
- (iv) he shall not leave India without prior permission of the Court and shall surrender his passport, if he has got one, otherwise to furnish affidavit in that regard;
- (v) he shall get his presence marked in the local police

station on every Saturday of the week between 10.00 A.M. to 12.00 noon, so that an eye can be kept on his movements and he is deterred from indulging in any criminal activity.

The Court accepting the bonds is to ensure that the surety furnished by the petitioner should be a resident of District Sri Muktsar Sahib, having documentary proof of owning sufficient immovable property of the value more than the surety amount within jurisdiction of the said Court. An endorsement be made on the title deed of the property that the said person stood as a surety for the petitioner. A copy of the document of title be attached with the surety bond. Photographs of the surety, accused and attesting witnesses be also obtained and placed on record.

In case the petitioner violates any of the above conditions, this order granting regular bail to him shall be liable to be withdrawn.

However, nothing discussed above shall have any bearing on the merits of the case.

29.11.2022
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No