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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25948-2022

Date of Decision: 13.12.2022

MANJINDER SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. G.S. Bhatia, Advocate
for the petitioner.

Ms. Ramta Chaudhary, DAG, Punjab.

JASJIT SINGH BEDI, J.(Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in case FIR No.125 dated 07.10.2021, registered under Sections 364, 323, 324, 34, 120-B of the IPC, 1860 and Sections 25, 54, 59 of Arms Act, 1989 at Police Station Khailcian, District Amritsar Rural.

2. The present FIR came to be registered at the instance of Palwinder Kaur wife of late Gurdeep Singh who stated that she had two surviving sons namely, Harpreet Singh alias Happy and Manpreet Singh who were residing in the fields outside the village along with their families. At about 07.00 AM in the morning she along with her son Harpreet Singh alias Happy went to the Gurdwara Sahib for paying homage. On their wayback, three persons came in a vehicle. One of them was Manjinder Singh (petitioner) son of Angrej Singh, the other was Karamjit Singh son of Dalbir Singh and the third was Soni son of not

known. Manjinder Singh (petitioner) attacked her son Harpreet Singh alias Happy on the head with a sword. Karamjit Singh attacked her son with a *dattar* on the backside of his head. Karamjit Singh further attacked her on the left and right forearm. They also kidnapped her son in their Bolero vehicle. The motive for the occurrence was that her son Harpreet Singh alias Happy had illicit relations with the mother of Manjinder Singh (petitioner).

3. The learned counsel for the petitioner submits that the petitioner has been in custody since 01.02.2022. Two prosecution witnesses have been examined namely, Palwinder Kaur (complainant) as PW1 and Harpreet Singh alias Happy as PW3. None of them have supported the case of the prosecution. He thus, contends that the petitioner deserves the concession of regular bail.

4. A reply dated 31.10.2022 has been filed on behalf of the respondent-State by the learned State counsel by way of an affidavit of Harkrishan Singh, PPS, Deputy Superintendent of Police, Baba Bakala, Amritsar (Rural) which is already on record. He submits that the petitioner is one of the main accused who has caused serious injuries on the person of Harpreet Singh alias Happy. The recovery of weapons etc. have been effected from the accused. Therefore, the nature of the allegations do not entitle the petitioner to the grant of regular bail. He however, fairly concedes that the material witnesses have been examined and have not supported the case of the prosecution.

5. I have heard the rival contentions of both the parties.

6. The Hon'ble Supreme Court in “Dr. Gokarakonda Naga Saibaba Versus State of Maharashtra, 2016(2) RCR (Criminal) 675 and this Court in “Devender Singh @ Devender Chhabra @ Tintu Versus State of Punjab, CRM-M-27957-2015 decided on 22.08.2016

have held that where the material witnesses have been examined, the accused can be granted the concession of regular bail.

7. In the present case, the petitioner has been in custody since 01.02.2022. Two material witnesses out of the 16 prosecution witnesses have been examined and have not supported the case of the prosecution. The Trial of the present case is not likely to be concluded in the near future and thus, the further incarceration of the petitioner is not required.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Manjinder Singh son of Angrej Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

13.12.2022

JITESH

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