

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

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CRM-M-29384-2022

Date of Decision : **July 15, 2022**

MANGA AND ANR.

.....Petitioners

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Vivek K. Thakur, Advocate
for the petitioners.

Mr. Randhir Singh Thind, DAG, Punjab.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioners in case FIR No.210 dated 28.8.2020 under Sections 302, 326, 323, 506, 427, 452, 460, 148, 149 IPC, registered at Police Station Sadar, District Kapurthala.

The learned counsel for the petitioners has submitted that the petitioners are in custody from 20.4.2021 which is about 1 year and 2½ months. He submitted that in the present case after framing of charges, the material witnesses including the eye-witness have already been examined and only official witnesses are left. He further submitted that the petitioners were not named in the FIR and they were nominated on the basis of the disclosure statement made by the co-accused. He also referred to Annexure P-10 wherein bail has been granted by a co-ordinate Bench of this Court to the other co-accused, namely, Ramanpreet Kaur @

Raman, Balbir Kaur @ Jasvir Kaur, Avtar Singh @ Rikki, Jagtar Singh @ Jaggi and Harnek Singh @ Neka, who were named in the FIR and specific role was attributed to them. He submitted that even as per the prosecution story the aforesaid Harnek Singh @ Neka alongwith his nephew were the main accused in the present case. He further submitted that the deceased had received simple and grievous injuries and he was discharged from the hospital and thereafter when he was readmitted to the hospital, later he died due to a heart attack and this was one of the grounds on the basis of which aforesaid co-accused were granted bail. He submitted that the petitioners are not only at parity but also on better footing since they were was nominated on the basis of the disclosure statement. He further submitted that be that as it may, they have already suffered incarceration for more than one year and the material witnesses have been examined and, therefore, they may be considered for the grant of regular bail.

On the other hand, the learned State counsel has stated that it is correct that the petitioners are in custody from 20.4.2021 and the material witnesses have been examined and only official witnesses have been left. It is also not disputed by the learned State counsel that the other co-accused have been granted bail by a co-ordinate Bench of this Court vide Annexure P-10. It is also not disputed by the learned State counsel that the petitioners are on better footing than the aforesaid co-accused.

I have heard the learned counsels for the parties.

It is a case where the petitioners have faced incarceration

from 20.4.2021 and the other co-accused have been granted bail by a co-ordinate Bench of this Court vide Annexure P-10. The material witnesses have already been examined as per the learned counsels for the parties. Furthermore, it is not the case of the State that in case the petitioners are released on bail then they may influence any witness or may tamper with any evidence or may flee from justice especially in view of the fact that only official witnesses are left to be examined.

Therefore, considering the totality of the circumstances of the present case, this Court deems it fit and proper to grant bail to the petitioners.

Consequently, the petition is allowed. The petitioners are ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

July 15, 2022
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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No