

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

CRM-M-32074 of 2022

DATE OF DECISION :- December 19, 2022

Mangal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAN

Present:- Mr. Binat Sharma, Advocate for the petitioner.

Ms. Guramrit Kaur, DAG, Punjab.

This is second petition for regular bail filed by petitioner Mangal Singh, son of Sucha Singh, resident of village Mochpur, Police Station Bhaini Mian Khan, Tehsil and District Gurdaspur, an accused in F.I.R. No. 138 dated 8.10.2020 registered with Police Station Bhaini Mian Khan, District Gurdaspur for offences under Sections 307, 324, 323, 148, 149 IPC.

Briefly stated, the facts of the case, as per the prosecution story are that on 2.10.2020 at about 11:30 a.m., Manga son of Kala, Bau son of Bhan Singh empty handed, petitioner Mangal Singh son of Sucha Singh armed with a datar, Dilbagh Singh son of Harbhajan Singh armed with a datar, Gurpreet Singh @ Gopi son of Sucha Singh armed with a dang, Labha son of Pappa also having a dang, assaulted the complainant Sewa Singh causing multiple injuries to him. The injured was taken to Civil Hospital, Gurdaspur from where he was referred to hospital at Amritsar and then to New Life Hospital, Amritsar. On the basis of statement made by

complainant Sewa Singh to the police, formal FIR was registered.

The petitioner had approached this Court earlier seeking regular bail but was unsuccessful, therefore, he has come to this Court again seeking that very concession. The first petition for regular bail filed by the petitioner had been dismissed as withdrawn vide order dated 30.06.2021. Now he has come to this Court again seeking similar relief, which request is being opposed by the State counsel.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

As per custody certificate filed by the State counsel, the petitioner is in custody for 1 year 11 months and 24 days i.e. almost for two years.

As per the status report received from the trial Court, statement of PW1 Sewa Singh complainant and PW2 Jaspal Singh @ Jassa have been recorded completely. The proceedings in the case have slowed down on account of the Presiding Officer having been placed under suspension. In terms of that very report, some of the accused have not turned up despite notices/non-bailable warrants issued against them. In that way, there is no likelihood of conclusion of trial in near future. Further detention of the petitioner accused would not be proper. Therefore, I find that the petition deserves to be accepted and it is hereby allowed. Petitioner Mangal Singh is ordered to be released on bail on his furnishing personal bond with one surety to the satisfaction of the learned trial Court/CJM/Duty Magistrate, Gurdaspur 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 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.
- (iv) he shall not indulge in any criminal activity.
- (v) he shall get his presence marked in the local police station on every Saturday of the week between 11.00 A.M. to 2.00 P.M. so that an eye can be kept on his movements and he is deterred from indulging in any criminal activity.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

(H.S. MADAAN)
JUDGE

December 19, 2022

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No