

(217) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-32251-2022

Date of Decision: 15.09.2022

MANPREET SINGH @ MANGU

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Rahul Vijay Singh Chugh, Advocate
for the petitioner.

Mr. Hakam Singh, Asstt. A.G., Punjab.

Proxy counsel for
Mr. Lupil Gupta, Advocate for the complainant.

JASJIT SINGH BEDI, J.

The prayer in the present petition is for the grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.215 dated 31.10.2020 (Annexure P-1) registered under Sections 336, 148, 149 IPC, 1860 and Sections 25, 27, 54, 59 of Arms Act, 1959 (Sections 307, 326, 201 IPC, 1860 added later on vide DDR No.029 dated 19.02.2021 and DDR No.060 dated 12.05.2022) with Police Station Boha, Mansa.

2. The brief facts of the case are that the statement of Jagroop Singh son of Nachatar Singh was recorded to the effect that he was an agriculturist. On 30.10.2020 at about 09.50 PM, he along with Tarsem Singh son of Nazar Singh was getting his paddy weighed at Grain Market Tahlia. In the meantime Bikkar Singh son of Lachhman Singh armed with *Soti*, Darbara Singh son of Babu Singh armed with *Gandasa*, Balbir Singh son of Mukhtiar

Singh armed with *Soti*, Kuldeep Singh alias Kinda son of Bachitar Singh with a pistol and Gandasa, Manpreet Singh alias Mangu (the present petitioner) son of Bachitar Singh armed with double barrel gun, Darshan Singh son of Hardev Singh armed with Gandasa, Babbi Singh son of Sukhdev Singh armed with *Soti* and Kulvir Singh along with 5-6 unknown persons in two Bolero vehicles reached there and Darbara Singh raised a Lalkara, caught hold of Jagroop Singh and stated that he should not be spared. On this, Manpreet Singh @ Mangu (the present petitioner) fired from his .12 bore gun, which hit his brother Harmeet Singh. Other persons started throwing brickbats. His brother Harmeet Singh was admitted in hospital for treatment.

3. The learned counsel for the petitioner contends that prior to the registration of the present FIR, an FIR No.214 dated 31.10.2020 under Sections 307, 148, 149 IPC and Sections 25 and 27 of Arms Act, at Police Station Boha, District Mansa had already been registered at the instance of the co-accused of the petitioner against the present complainant of aforesaid FIR No.215 dated 31.10.2020 (Annexure P-1) namely, Jagroop Singh and his companions. He contends that it is a case of version and cross-version, in which Kulvir Singh has been given firearm injuries by Harmeet Singh brother of the present complainant. He contends that in fact, Harmeet Singh, who is said to have been caused injuries by the petitioner in fact received self-suffered injuries in his lower leg with a firearm and the said injury was not dangerous to life. He contends that the FIR has been registered on account of political rivalry. No recovery whatsoever has been effected from the petitioner. The petitioner has been in custody since 11.05.2022 and none of the 26 prosecution witnesses have been examined so far. The further

incarceration of the petitioner is not required and therefore, he be granted the concession of regular bail.

4. On the other hand, the State counsel has filed a reply dated 14.09.2022 by way of an affidavit of Mr. Amarjit Singh, PPS, Deputy Superintendent of Police, Sub-Division Budhladha, District Mansa. The same is taken on record. The factual aspects have been admitted in the said reply regarding the present case being one of version and cross-version. It has also been stated that after the arrest of the petitioner during investigation, no recovery of any weapon was effected from him and therefore, an offence under Section 201 IPC was enhanced in the present FIR.

5. An adjournment has been sought by the proxy counsel for the learned counsel for the complainant which has been opposed by the learned counsel for the petitioner who contends that it is a delaying tactic.

6. I have heard the learned counsel for the parties at length.

7. Admittedly, it is a case of version and cross-version, wherein the petitioner's side received injuries attracting Section 307 IPC as well. In fact, aforesaid FIR No.214 dated 31.10.2020 stands registered against the present complainant party prior to the registration of the present FIR No.215 dated 31.10.2020 (Annexure P-1). The petitioner has been in custody since 11.05.2022 and none of the 26 prosecution witnesses have been examined so far. Therefore, the trial of the present case is not likely to be heard in the near future. There is one other case registered against the petitioner in which he has been granted the concession of regular bail. The injured Harmeet Singh is now hale and hearty and has not suffered any permanent disability.

8. In view of the above, the further incarceration of the petitioner is not required.

9. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Manpreet Singh @ Mangu son of Bachittar Singh is ordered to be released on bail subject to her furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

10. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in this order.

11. If the petitioner or his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this order.

12. In addition, the petitioner shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

13. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

15.09.2022

JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No