

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

215

**CRM-M-37305-2022  
Decided on : 21.09.2022**

Manpreet Singh

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

**CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**

**PRESENT:** Mr. SPS Sidhu, Advocate  
for the petitioner.

Mr. AS Sandhu, AAG, Punjab.  
\*\*\*\*

**SANJAY VASHISTH, J. (Oral)**

The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail to the petitioner – Manpreet Singh, who has been booked for having committed the offences punishable under Sections 302, 452, 324, 323, 148, 149, 120-B of IPC, in FIR No. 70, dated 21.09.2019, registered at Police Station Talwandi Bhai, District Ferozepur, during the pendency of trial.

On previous date of hearing, contentions of learned counsel for the petitioner were recorded, which says as under:-

*“Learned State counsel has filed the custody certificate dated 27.08.2022 of the petitioner in Court today. Same is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.*

*A copy thereof has been handed over to the counsel opposite.*

*By reading out of the contents of the FIR, learned counsel for the petitioner contends that petitioner Manpreet Singh has been attributed the role of causing simple injury by gandasi blow on the left hand of the deceased Naginder Singh. He further*

*contends that it is a case where all the family members have been implicated, whereas, it might be a case of use of one gandasi.*

*Learned counsel for the petitioner further submits that the petitioner is a young boy of 19 years of age and his complete career would be ruined, if he is kept in jail for an indefinite period, and found innocent after completion of the trial. He further submits that otherwise also, challan in the present case was submitted in December, 2019 and till date prosecution has failed to examine the material witnesses.*

*Learned counsel for the petitioner submits that in September 2022, the petitioner would complete three years of custody and no progress in the trial is deeply prejudicing rights of the petitioner, as his liberty is curtailed.*

*Learned State counsel is directed to file status report regarding the trial.*

*Adjourned to 21.09.2022.”*

In compliance to the order dated 29.08.2022 of this Court, learned State counsel has filed the status report by way of an affidavit of Sandeep Singh, PPS, DSP (Rural), Ferozepur, in Court today, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

A copy thereof has been handed over to the counsel for the petitioner.

In response to the submissions recorded in order dated 29.08.2022, learned State counsel submits that it is a serious matter in which petitioner has been attributed specific injury on the hand of the deceased.

On asking by the Court about the stage of trial, learned State counsel submits that challan was submitted on 08.12.2019 and recording of evidence is yet to start. He also agrees that while considering the prayer for bail of co-accused Amandeep Singh and granting him bail vide order dated 13.05.2022 (Annexure P-3), Coordinate bench of this Court has also noticed

the factum of long incarceration and slow progress in the case. However, present petitioner is not seeking parity with the role attributed to the said accused Amandeep Singh.

After considering the submissions of both the sides, perusing the record with their able assistance, and considering all the factors recorded hereinabove, this Court is of the view that a person cannot be kept inside jail for indefinite period, that too, when the period of three years of custody has already been undergone and no witness from the side of the prosecution has been examined so far.

Accordingly, the present petition is allowed. Petitioner is ordered to be released on bail in this case, subject to his furnishing bail/surety bonds to the satisfaction of the learned Trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made here-in-above shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of evidence available on record.

**(SANJAY VASHISTH)**  
**JUDGE**

**September 21, 2022**

*J.Ram*

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