

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

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CRM-M-41842-2021(O&M)
Date of Decision : **August 03, 2022**

MANPREET SINGH @ MANI

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. R.S.Rai, Sr. Advocate assisted by
Mr. Anurag Arora, Advocate
for the petitioner.

Mr. Davinder Bir Singh, 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 petitioner in case FIR No. 0092 dated 5.12.2020 under Sections 302, 307, 506, 427, 148, 149 IPC (added lateron Section 379-B and 201 IPC) and Sections 25, 27 of Arms Act, registered at Police Station Sadiq, District Faridkot.

It has been submitted by the learned Sr. counsel for the petitioner that the petitioner is in custody from 11.1.2021 and all the material witnesses including the complainant and the injured have been examined. He submitted that these witnesses including the injured, namely, Rajkaran Singh have not supported the prosecution version and thereafter they had turned hostile. He further submitted that even as per the prosecution story itself the deceased Kuldeep Singh died due to fire arm injury by the other co-accused, namely, Harbilas Singh and

Dhanwant Singh and so far as the role of the present petitioner is concerned, he had given a kappa blow to the other injured, namely, Rajkaran Singh and the aforesaid Rajkaran Singh has not supported the prosecution version. He submitted that in view of the aforesaid position that the material witnesses have not supported the prosecution version and the fact that the petitioner is in custody for about 1½ years, he may be considered for the grant of regular bail.

On the other hand, the learned State counsel has stated that so far as the custody of the petitioner is concerned, the same is correct and it is also correct that all the material witnesses including the complainant and the injured, namely, Rajkaran Singh have already been examined and they have not supported the prosecution version and have turned hostile. He has, however, opposed the grant of regular bail to the petitioner on the ground that the matter is serious in nature and the petitioner was involved in two more cases. In one case under Section 307 IPC which is of the year 2008, he has already undergone and the other case is pertaining to Sections 323, 324 IPC is of the year 2018.

I have heard the learned counsels for the parties.

The petitioner is in custody from 11.1.2021 which is almost 1½ years. As per the learned counsels for the parties, the complainant and the injured qua whom injury was attributable to the present petitioner and all the other material witnesses have turned hostile since they did not support the prosecution version. As per the learned counsels for the parties, no recovery is to be effected from the petitioner. So far as the objection raised by the learned State counsel that the petitioner was

involved in two more cases is concerned, the same cannot become a basis for denial of bail to the petitioner. Further-more, as per the prosecution story the role attributed to the petitioner was of giving kappa blow on the injured, namely, Rajkaran Singh and not on the deceased. Furthermore, it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or may tamper with any evidence or may flee from justice.

In view of the aforesaid position, this Court is of the view that the petitioner deserves the concession of regular bail.

Consequently, the present petition is allowed. The petitioner is 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.

(JASGURPREET SINGH PURI)
JUDGE

August 03, 2022

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