

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-50497-2021

DATE OF DECISION: MARCH 2, 2022

AMANDEEP SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. AMARDEEP SINGH, ADVOCATE FOR THE PETITIONER.
MR. RAMANDEEP SINGH SANDHU, SR.DAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.104 dated 20.6.2020, under Section 302, 34 IPC and Section 25 Arms Act, Police Station Sadar Khanna, District Ludhiana, who is in custody since his arrest on 2.1.2021.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Ludhiana, in the order dated 11.11.2021, are as under:-

“As per the prosecution case on 2.2.2020 complainant Baldev Singh son of Ajit Singh got recorded his statement to SI Gurjant Singh that on 26.1.2020, his son namely Maninder Pal Singh came from from Bangalore to Delhi and then he alongwith his friends was coming from Delhi to his home. On the way, he alighted from the car for answering the call of nature, and suddenly he received an injury. His friend had told him (complainant) that they were under the influence of liquor. His friends got Maninder Pal Singh admitted in SPS Hospital, Ludhiana and he died during the treatment. Neither his son nor his friends knew anything about the place where

Maninderpal Singh had received an injury. He suspected no foul play and did not want to take any action against anyone. On the basis of said statement proceedings under Section 174 of CR.P.C were initiated vide DDR no. 24 dated 2.2.2020. One letter bearing no.674-P dated 13.3.2020 was received from Sh. Kailash Bishnoi, SSP, Udaipur, Rajasthan. The postmortem of deceased Manjinder Pal was got conducted. Gurjant Singh @ Manu and Randhir Singh @ Dheera arrested in a case FIR no.49/2020 under Section 342,393,380, 511 of IPC and 3PDPP Act, P.S. Sukher District Udaipur, Rajasthan, during investigation had disclosed that they had stabbed Maninder Pal Singh with knife.”

Learned counsel for the petitioner has argued that as per prosecution, the victim alongwith the accused persons was travelling in a car and when he came out to urinate, a sudden quarrel took place between him and Gurjant Singh. According to learned counsel, the victim was stabbed 3-4 times by Gurjant Singh and it resulted his death. He submits that the petitioner did not cause any injury to the deceased and as other co-accused including Gurjant Singh have already been released on regular bail, therefore, further custody of the petitioner may not be necessary. He prays for bail.

On the other hand, learned State counsel assisted by ASI Harjinder Singh while opposing the prayer has argued that perhaps the role attributed to Gurjant Singh was not brought to the Court when he was allowed the concession of regular bail. He further states that the case of the petitioner is at par with the case of co-accused Randhir @ Dhira who has been released on bail. It is also not disputed by him that out of total 21

prosecution witnesses, only one witness, i.e. the complainant has been examined.

Considering the above background, the length of custody of the petitioner and the fact that co-accused of the petitioner has already been released on regular bail, therefore, further detention of the petitioner may not be necessary for any useful purpose, as the trial would likely to take considerable to conclude. The material witnesses are either the close relatives of victim or the police officials and there does not seem any possibility of their being won-over.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

March 2, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No