

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

(I)

CRM-M-116-2022 (O&M)

Date of Decision:- 5.5.2022

Mandeep Kumar @ Monu

... Petitioner

Versus

State of Punjab

... Respondent

(II)

CRM-M-16102-2022 (O&M)

Randhir Singh @ Happy

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Yajur Sharma, Advocate, for the petitioner
in CRM-M-116-2022.

Mr. Maninder Singh Bajwa, Advocate, for the petitioner
in CRM-M-16102-2022.

Mr. Luvinder Sofat, AAG, Punjab,
assisted by ASI Amar Singh.

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the above mentioned two petitions
wherein petitioners Mandeep Kumar @ Monu and Randhir Singh @

Happy, seek grant of regular bail in a case registered vide FIR No. 204, dated 9.10.2020, Police Station Mohkampura, District Amritsar, under Sections 307, 506 read with Section 34 IPC and Section 25 of the Arms Act.

2. The FIR was lodged at the instance of Mehakdeep Singh wherein it is alleged that on 9.10.2020, at about 3/3.15 pm when he was standing on the roof of his house, then Monu and Kamaldeep came there riding a motorcycle. While Monu was driving the motorcycle, Kamaldeep Singh @ Prince Jahaj was sitting on the pillion seat. It is alleged that immediately while coming near Kamaldeep Singh @ Prince Jahaj fired at him with a pistol, but somehow the bullet did not hit the complainant. Upon hearing the noise of firing of a shot, several persons gathered there and the aforesaid two persons fled away from the spot while extending threats to eliminate the complainant.
3. The matter was investigated by the police. During the course of investigation the police collected evidence to the effect that Randhir Singh had conducted *recce* at the place of occurrence and upon noticing the complainant he immediately gave a signal to the other accused i.e. Mandeep Kumar and Kamaldeep so as to facilitate firing at the complainant.
4. Learned counsel for the petitioners have submitted that they have falsely been implicated in the present case and that it is a case of no injury whatsoever. Learned counsel representing Randhir Singh has further submitted that he is not even named in the FIR and has been

nominated as an accused on the basis of statement of father of the complainant to the effect that Kamaldeep had been seen conducting *recce* of the place of occurrence so as to facilitate the co-accused to fire at his son. It has been submitted that since the petitioners have been behind bars for the last more than 1 ½ years and trial has not even commenced till date, they deserve the concession of bail.

5. Learned State counsel while opposing the petitions has submitted that since petitioner Mandeep Kumar @ Monu is specifically named in the FIR and that the evidence has also been collected to show the complicity of petitioner Randhir who had conducted *recce* of the place of occurrence, no case for grant of bail is made out. The learned State counsel has informed that the petitioners have been behind bars for the last more than 1 year and 6 months and that although charges had been framed but none out of the cited 16 PWs has been examined till date. Learned State counsel has however, pointed out that both the accused stand involved in another 4/5 cases including cases registered for offences under Section 307 IPC.
6. I have considered rival submissions addressed before this Court.
7. It is no doubt correct that Mandeep Kumar @ Monu is specifically named in the FIR and that during investigation the police has come across some evidence to show the involvement of petitioner Randhir as well. However, without commenting anything as regards the merits of the case, but while noticing that it is a case where none has been injured and the petitioners have been behind bars for a substantial period of 1 ½ years and trial is yet to commence, further

detention of the petitioners will not serve any useful purpose. The petitions, as such, are accepted and the petitioners are ordered to be released on bail subject to their furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8. A photocopy of this order be placed on the file of each connected case.

5.5.2022
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No