

220
**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-8448-2023 (O&M)
Date of Decision: 23.02.2023

MANPREET SINGH ALIAS MANNA

....Petitioner(s)

Versus

STATE OF PUNJAB

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. K.S. Bal, Advocate, for the petitioner.

Ms. Anju Sharma Kaushik, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

The present is a second petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.28 dated 19.02.2020, under Sections 302, 394, 323, 148, 149, 379-B, 396 IPC, registered at Police Station Lopoke, District Amritsar Rural.

Learned counsel for the petitioner has submitted that the petitioner is in custody from 13.04.2020 which is more than 2 years and 10 months. He submitted that the charges in the present case were framed on 22.05.2021 but till date only two witnesses have been examined including the complainant. He further submitted that it is a case where the allegations were that when the complainant alongwith his brother and one other person were going at about 9.00 P.M, then four persons had attacked which caused the death of Ajaipal Singh and one Jugraj Singh was also injured. Nobody was named in the FIR but as per the prosecution it was during the

course of investigation that since the petitioner was already involved in one other case bearing FIR No. 70 date 12.04.2020, under Sections 399, 402 IPC and Section 25 of Arms Act, Police Station Lapoke and on the basis of his confessional statement that he was nominated in the present case. He submitted that the aforesaid confessional statement would not be admissible in evidence and the entire case is based upon circumstantial evidence and the petitioner has already faced incarceration for more than 2 years and 10 months. He further submitted that one of the co-accused namely Harjit Singh @ Gonder has already been extended the benefit of regular bail by this Court in CRM-M-18371-2021 on 10.05.2022 vide Annexure P-4, although primarily on medical grounds.

On the other hand, Ms. Anju Sharma Kaushik, learned Deputy Advocate General, Punjab has submitted that it is correct that the petitioner is in custody from 13.04.2020 and two witnesses have been examined including the complainant. She has however opposed the grant of regular bail to the petitioner on the ground that the matter is serious in nature and there was recovery of one Kirpan and motorcycle from the petitioner in the present case.

I have heard the learned counsel for the parties.

The petitioner has faced incarceration for more than 2 years and 10 months. The complainant and one more witness have already been examined. During the course of arguments, a query was raised to the learned State counsel as to whether the Kirpan was sent to the Forensic Laboratory or not to which she submitted on instructions from the official

present in the Court that the same was not sent. She has however submitted that the motorcycle which was recovered belongs to the petitioner. However, it is not the case of the State counsel that in case the petitioner is released on bail, then he may abscond from justice or may influence any witness especially in view of the fact that the complainant has already been examined.

In view of the aforesaid facts and circumstances and considering the long custody of the petitioner which is more than 2 years and 10 months and the fact that the complainant has already been examined, this Court deems it fit and proper to grant regular bail to the petitioner.

Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

23.02.2023

rakesh

**(JASGURPREET SINGH PURI)
JUDGE**

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No