

MANIK BABBAR ALIAS MANU

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. J.S.Thakur, Advocate for the petitioner.
Mr. M.S.Nagra, AAG Punjab.

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VIVEK PURI, J. (ORAL)

The petitioner is seeking regular bail in case bearing FIR No. 99 dated 10.08.2021 under Sections 307/34 IPC, under Section 25/27 of Arms Act (Section 54/59 of Arms Act added later on) registered at Police Station Bhargo Camp, District Police Commissionerate Jalandhar.

Custody certificate has been taken on record.

Briefly, as per the allegations of the prosecution, the petitioner along with co-accused Abhimanyu Shoor @ Ali hurled abuses and slapped the complainant. The complainant got scared and ran towards his house. The petitioner had fired from his pistol with an intention to kill the complainant. The complainant had managed to save himself by lying on the ground and the shot hit the main gate of the house. Another shot fired by the petitioner went through the wooden window in the *verandha* and hit the bedbox kept inside the room.

Learned counsel for the petitioner contends that it is a case of 'no injury' and the petitioner is in custody for a period of 1 year, 6 months and 6 days. Although, the petitioner is an undertrial in 3 other cases but in 2 cases under NDPS Act, he is on bail but he has not submitted the bail

bonds. The co-accused Abhimanyu Shoor @ Ali has been granted bail by the Coordinate Bench of this Court.

Learned State counsel, on instructions of HC Jagdeep Singh, has opposed the bail application on the score that the two pistols have been recovered from the petitioner and the petitioner has fired from the pistol and he is involved in 3 other cases. It has been further stated that out of 10 only 1 witness has been examined.

It is significant to note that the petitioner is in custody for a period of 1 year, 6 months and 6 days. Though, he is involved in 3 other cases but he is stated to be on bail in 2 other cases which have been registered against him. This is a case of 'no injury'. The co-accused is already on bail. Till date, only 1 out of 10 witness has been examined. The conclusion of trial is likely to take some more time and no fruitful purpose would be served by detaining the petitioner in further custody.

As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

16.02.2023

Janki

(VIVEK PURI)
JUDGE

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