

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

CRM-M-16072 of 2022 (O&M)

DECIDED ON: 11th January, 2023

Manpreet Singh

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. B.S. Toor, Advocate for petitioner.

Mr. Iqbal Singh Mann, DAG Punjab.

AVNEESH JHINGAN, J (ORAL)

This is fourth petition seeking regular bail in case of FIR No. 13 dated 17.2.2016 under Sections 307, 382, 336, 427 IPC, 1860 and Sections 25, 27, 30 of Arms Act, 1959 registered at Police Station Badhni Kalan District Moga Punjab.

The earlier petitions were dismissed as withdrawn.

The brief facts are that FIR was registered at the instance of Gurpreet Singh. It was alleged that on 17.2.2016 he along with Jaswinder Singh had gone to the house of Jagjeet Singh in a Car. At about 9:00 a.m. accused Gagna armed with 12 bore rifle and Navdeep Navi came in a car which was being driven by unknown person. Gagna fired three shots towards the complainant. Complainant and Jaswinder Singh saved themselves by entering the house of Jagjeet Singh. Later it was found that the window pane of the Car of Jagjeet Singh was broken and 30 bore rifle alongwith 25 cartridge and .32 bore magazine were taken away. Manpreet Singh (petitioner) was named in supplementary statement dated 20.2.2016. He was stated to be the person sitting in the car.

Learned counsel for petitioner submits that the petitioner is in custody since 20.2.2016, no recovery was made from the petitioner or at his instance. He further submits that four material prosecution witnesses examined have turned hostile.

On 18.10.2022 learned State counsel appearing on advance notice sought time to file reply but till date no reply has been filed. However, learned State counsel on instructions from ASI Gurpreet Singh opposes the prayer and submits that the petitioner is involved in eleven more cases, however, he is not disputing that it is a case of no injury and no recovery was made from the petitioner.

Learned counsel for petitioner submits that the petitioner was acquitted in six cases and in rest of the five cases, he is on bail.

Without commenting upon the merits of the case, considering that no recovery was made from the petitioner, name of petitioner surfaced in disclosure statement, conclusion of trial is likely to take time, involvement of petitioner in other cases in itself would not be a ground for depriving his personal liberty and it is a case of no injury, bail is granted to the petitioner on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

Since the main case has been decided, the pending application, if any is rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

11th January, 2023
reema

Whether speaking/reasoned Yes
Whether reportable No