

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

205

**CRM-M-17145-2022 (O&M)**

**Date of Decision: 16.02.2023**

Mangh Singh @ Mangat Singh ...Petitioner

Versus

State of Punjab ...Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present: Mr. Kuldip Singh, Advocate, for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab.

**GURVINDER SINGH GILL, J. (Oral)**

**CRM-1150-2023**

For the reasons mentioned in the application, the same is allowed and the statements of PW-1 Sucha Singh and PW-2 Surinder Singh annexed with the application are taken on record as Annexures P-10 & P-11 respectively subject to all just exceptions.

**CRM-M-17145-2022**

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.367 dated 22.10.2020 at Police Station Sadar Fazilka, District Fazilka, under Sections 302, 34 IPC.
2. The FIR in question was lodged at the instance of Sucha Singh, wherein it has been alleged that on 20.10.2020, when he alongwith his father Fuman Singh (deceased) was working in their fields, Mangh Singh @

Mangat Singh (petitioner), who was armed with a *Saria* (thin iron rod) alongwith Harbans Singh, who was carrying a *dang*, Rinku, who was carrying a handle of spade and Shimla Rani came there. It has been alleged that Mangh Singh raised a *lalkara* and gave a blow with *Saria* on the head of Fuman Singh. The other accused are also alleged to have inflicted injuries to Fuman Singh. Fuman Singh was taken to hospital, but he succumbed to his injuries on 22.10.2020.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that even if all the allegations as leveled in the FIR are taken to be correct, the petitioner was allegedly carrying a thin iron rod and is attributed a single injury. Learned counsel has further submitted that the falsity of the case would be evident from the fact that when complainant Sucha Singh and Surinder Singh were examined during the proceedings of trial, both of them did not support the case of the prosecution at all and categorically stated that they do not identify the accused, who are present in Court, to be the assailants.
4. Opposing the petition, learned State counsel has submitted that the petitioner is specifically named in the FIR and is attributed specific injury and that it is apparently a case where the petitioner has been able to win over the witnesses or has intimidated them. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 1 year & 9 months and that he is not involved in any other case. It has also been informed that as on date only 2 PWs out of cited 23 PWs have been examined.
5. This Court has considered rival submissions.

6. It is correct that specific allegations have been leveled against the petitioner in the FIR. However, complainant Sucha Singh, when stepped into witness-box as PW-1, did not support the case of the prosecution at all. The petitioner has been behind bars for a substantial period of about 1 year & 9 months. Conclusion of trial is likely to take time as only 2 PWs out of cited 23 PWs have been examined till date. As such, the petition is accepted and the petitioner, who otherwise has a clean record, is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

**16.02.2023**

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**(GURVINDER SINGH GILL)  
JUDGE**Whether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**