

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-22412-2023
Date of decision:-21.11.2023

Manpreet Singh @ Manni

... Petitioner

Versus

State of Punjab

.. Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr.J.S. Sandhu, Advocate
for the petitioner.

Mr.A.P.S. Tung, DAG, Punjab.

SUVIR SEHGAL, J. (ORAL)

1. This second petition has been filed under Section 439 Cr.P.C.
seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
206	24.08.2019	Sadar, Fazilka	302, 148, 149 IPC

2. Case of the prosecution is that FIR, Annexure P1, has been registered on the statement of Kuldeep Kumar on the allegation that on 23.08.2019 when the complainant and his brother Sandeep Kumar were coming to City, Fazilka on their motorcycle, they spotted Gautam, Rakesh

Kumar and Manpreet Singh, present petitioner, along with 8-10 young boys, who were armed with wooden sticks assaulting Lekh Raj. On spotting them, Gautam instigated the co-accused and all three of them attacked Sandeep Kumar and Rakesh Kumar stabbed him in the stomach. On an alarm raised by the complainant, the accused fled from the spot. Sandeep Kumar was shifted to the hospital where he succumbed to his injuries.

3. Counsel for the petitioner submits that after the withdrawal of the first petition by the petitioner on 27.03.2023, the Investigating Officer as well as a doctor has been examined. By referring to the cross-examination of the Investigating Officer, counsel has pointed out various lacunas in the investigation. Counsel submits that although petitioner is alleged to be a member of the unlawful assembly and it has been claimed that he assaulted the deceased, but as per the postmortem report, the deceased suffered only one injury, which proved to be fatal and it has been attributed to the co-accused. Counsel asserts that both the co-accused Gautam and Rakesh Kumar are in confinement. He submits that as the complainant and other material prosecution witnesses have been examined, petitioner, who is a young man of 29 years of age deserves to be enlarged on bail as he is in custody since 31.08.2019.

4. *Per contra*, State counsel on instructions from ASI Milakh Raj has opposed the petition. He submits that as a result of the attack by the petitioner and the co-accused, an innocent bystander has been done to death. He submits that Sandeep was attacked without any provocation and no recovery has been effected from the petitioner. As per his instructions, 19

out of 30 prosecution witnesses have been examined and five have been given up.

5. I have heard counsel for the parties and considered their respective submissions.

6. Petitioner is a young man, who has been in detention for the last more than 50 months. Despite the fact that charge was framed more than two years earlier, trial is not likely to conclude in the near future. Noticing the role ascribed to the petitioner, stage of trial, length of custody and unblemished antecedents of the petitioner, this Court has no hesitation in acceding to the prayer made in the petition.

7. Without adverting to the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned.

8. It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)

JUDGE

21.11.2023

Brij

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No