

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

231

CRM-M-30887 of 2023

Date of Decision:07.07.2023

Manjinder Singh @ Mani

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Gaurav Vir Singh Behl, Advocate,
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.0088 dated 06.07.2020, under Sections 302, 307, 506, 148, 149 and 120-B IPC and Sections 25 and 27 of the Arms Act, registered at Police Station Raja Sansi, District Amritsar Rural.

2. It is submitted by learned counsel for the petitioner that the petitioner is in custody for about 3 years and it is a case where 18 prosecution witnesses out of 30 have already been examined. He submitted that even otherwise also it was a case of version and cross-version and in fact it was a dispute of 1 kanal of land. He further submitted that even as per the allegations, the petitioner was having 12 bore licensed weapon belonging to his father and had gone to the place of land which

was in dispute on the basis of information that the complainant party was taking possession of the land and from the licensed weapon he had fired in the air. Thereafter the other party was the aggressor party and had also caused injuries to the petitioner party. He submitted that it is yet to be determined at the time of trial who was the aggressor party and who had acted in self-defence. He further submitted that the other co-accused namely Gurmilap Singh and Gurnam Singh have already been extended the benefit of regular bail by this Court in CRM-M-43780 of 2020 and CRM-M-47127 of 2021 on 23.11.2022 and the petitioner has clean antecedents and is not involved in any other case except one case under the Excise Act. He further submitted that all the material witnesses have already been examined and the total custody of the petitioner is about 3 years and therefore the petitioner may be considered for the grant of regular bail.

3. On the other hand, Mr. Rajiv Verma, learned DAG, Punjab has submitted that so far as the period of custody of the petitioner is concerned, the same is not in dispute and also not in dispute that the aforesaid two co-accused have already been granted bail vide Annexure P-6. He has however submitted that the petitioner had fired from the double barrel gun belonging to his father which resulted in the death of the other party.

4. I have heard learned counsel for the parties.

5. The petitioner has already faced incarceration for about three years and the 18 prosecution witnesses out of 30 have already been examined. The other two co-accused namely Gurmilap Singh and Gurnam Singh have already been extended the benefit of regular bail by this Court vide Annexure P-6. As per learned counsel for the parties, both the parties had suffered injuries and it was a

case of version and cross-version. This Court does not wish to make any observation with regard to the merits of the case but considering the period of custody of the petitioner which is about 3 years and the fact that 18 prosecution witnesses have already been examined and it is not the case of learned State counsel that in case the petitioner is released on bail, then he may abscond from justice or influence any witness particularly in view of the fact that the petitioner has clean antecedents and is not involved in any other case except one case under the Excise Act, the petitioner deserves the concession of bail.

6. In view of the aforesaid position, the petitioner shall be entitled for the grant of regular bail. 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.

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

(JASGURPREET SINGH PURI)
JUDGE

July 07, 2023
dinesh

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