

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-45868-2021(O&M)

Date of Decision:-23.03.2023

Manpreet Singh @ Manna.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Karanjit Singh, Advocate for the Petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.75 dated 27.05.2021 under Sections 302, 307 and 34 IPC and Sections 25 & 27 of Arms Act and Offence under Sections 212, 216, 148, 149, 120-B and 384 IPC added later on registered at Police Station City Patti, District Tarn Taran.

2. The case of the prosecution, in a nutshell, is that on 27.05.2021 ASI Hira Singh, who was on duty near Baba Bahol Shah Peer Di at Nadohar Chowk, Patti, came across a gathering and found that two bullet-ridden bodies were lying on the road. One person from the said gathering informed that the said bodies are of Amandeep Singh and Prabhjit Singh and that another of their companion, namely, Shamsher Singh had also been injured due to gun-shots, and had been taken to hospital. It was informed that 2 unknown persons had shot and killed the aforesaid Amandeep Singh and Prabhjit Singh and had injured their companion Shamsher.

3. It is further the case of the prosecution that on 30.05.2021, Malkit Singh @ Laddu (since granted bail vide order dated 09.12.2022 in CRM-M-22049-2022) suffered an extra judicial confession before Lovepreet Singh to the effect that he at the instance of his friend Lakhbir Singh @ Landa, who is presently in Canada, had got Amandeep Singh and Prabhjit Singh murdered through Preet Sekhon and his accomplice and that Shamsher Singh had also been injured.

On the arrest of Malkit Singh @ Laddu he suffered a disclosure statement that firstly he and later along with Paramjit Singh @ Pamma (since granted bail vide order dated 09.02.2022 passed by Additional Sessions Judge Tarn Taran passed in Bail Application bearing CNR No.PBTT0100-0379-2022) and Manpreet Singh @ Manna (petitioner) had conducted recce on Aman Fauji and his companions

4. The Counsel for the petitioner contends that he is not named in the FIR and even as per the case of the prosecution he is not amongst the assailants who had fired on the deceased or had injured Shamsher Singh @ Shera. The only allegations against him which has arisen from the confessional statement of Malkit Singh @ Laddu is that he (petitioner) along with Malkit Singh @ Laddu and Paramjit Singh @ Pamma had conducted recce of the area where the occurrence had taken place. Since Malkit Singh @ Laddu and Paramjit Singh @ Pamma had been granted the concession of bail, he was entitled to the similar concession.

5. The Counsel for the State on the other hand contends that the petitioner is one of the main accused and played a pivotal role in conducting the recce on the deceased and place of occurrence. In addition, it is his contention that the petitioner is involved in 03 other cases bearing FIR No.18 dated 26.10.2019 under Sections 302, 307, 506, 148, 149 IPC and

Section 25 of Arms Act P.S. Sadar, Tarn Taran, FIR No.307 dated 27.11.2020 under Sections 341, 323, 427, 506, 148, 149 IPC P.S. Sadar, Tarn Taran and FIR No.42 dated 01.06.2021 under Sections 447, 379, 120-B IPC and Section 25 of the Arms Act P.S. Valtaha, Tarn Taran. Therefore, the petitioner being a habitual offender did not deserve the concession of bail. He however, concedes that the petitioner is in custody since 30.05.2021 and none of the 56 witnesses have been examined so far.

6. I have heard the learned counsel for the parties.

7. Admittedly, the petitioner is neither named in the FIR nor has any active role been attributed to him of having fired upon the deceased. As per the case of the prosecution, it is the petitioner who is said to have conducted the recce along with his co-accused Malkit Singh @ Laddu and Paramjit Singh @ Pamma, both of whom have been granted the concession of bail. The petitioner is stated to be in custody since 30.05.2021 and none of the 56 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded any time soon as such his further incarceration is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Manpreet Singh @ Manna** son of Sh. Manjit Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned hereinabove.

9. In addition, the petitioner (or anyone on his behalf) shall

prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

10. If the petitioner or any of his family members/associates make any attempt to contract/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this Court.
11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

March 23, 2023
Vinay

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