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

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CRM-M-60963-2022

Date of decision : 20.09.2023

Maninderjit Singh**..... Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Umesh Aggarwal, Advocate
for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.193 dated 10.06.2022, registered for the offences punishable under Sections 397, 307 and 120-B of IPC, 1860 and Sections 24, 54 and 59 of Arms Act (Section 411 of IPC added subsequently), at Police Station Dera Bassi, District SAS Nagar (Mohali).

2. The contents of the FIR reads as under:-

“Harjit Bingham s/o Amar Singh resident of House No.2, Street No.2 Sadhu Nagar, Dera Bassi, and SAS Nagar aged about 55 years Mob. 9814126285 stated in his statement that I am resident of above mentioned address. I am working as a property dealer and I am running my office in the name and style of Nagpal Properties Dealer at main road, near SBI bank Dera Bassi. For last 6-7 months I did many business deals with Ranjodh Singh s/o Pargat Singh of village Dhadian, Tehsil

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Zeera, Dist. Ferozpur. Ranjodh used to send his partner Maninder and other unidentified for business deals. I used to talk with Maninder Singh on what's app +1 (778)404-1233 and on another No. that is 98726-25490. Now also we are in a business deal with Ranjodh Singh etc. In this regard on dated: 09.06.2022 Maninder and 3 other persons came to me at about 11.30 Am and they stayed till 6.30 PM with regard to the business deal. Out of them, one Mobile No. is 77430- 68446. Today also Ranjodh called me in the morning at about 11 AM with regard to the business deal and said that I am going to Zirakpur for some urgent work and sending Maninder along with 2 other persons who are my partners. The person who is having the above said Mobile No. 77430- 68446 came to my office. They remained sitting in my office for 2 hours with me. Out of them one companion of Maninder Singh pulled out the pistol and pointed towards me. Maninder snatched my black and blue bag and ran outside. The bag contained approx. 1 crore of some business deal. When I raised an alarm, then other persons and 1 Muhamad Sabir s/o Muhamad Nizamudin Haji, who has a stall in front of my shop tried to stop them. Then a motorcycle bearing No. PB 29 Q 7209 make hero splendor also fell down. They ran away with the bags. But in the way Muhamad Sabir s/o Muhamad Nizamudin Haji caught hold of him then his companion fired a shot at him with intention to kill and ran away along with the bag and making him injured. Due to this occurrence I was frightened; I do not know the names of the persons came along with Maninder Singh. I can identify them on coming in front of me.

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Statement has been recorded which is heard and correct, action be taken. Sd Harjit Singh verified by Jaskamal Singh SI, S.H.O P.S.

3. Counsel for the petitioner submits that the motive has been attributed to the co-accused Ranjodh Singh, who stands admitted to regular bail by this Court vide order dated 14.11.2022 passed in **CRM-M-37231-2022**.

4. The petitioner is behind bar since 23.06.2022 and has faced incarceration for more than 01 year, 02 months and 29 days. The trial could not proceed further as the prosecution witnesses are not coming forth, even theailable warrants issued against the complainant could not enforce his presence.

5. Reliance is being placed upon zimni order dated 03.08.2023 passed by the trial Court which reads as under:-

“File put up before me being Duty Judge as the leaned Presiding Officer is on second half day casual leave. Accused Maninder Singh has been produced from custody. No PW is present today.ailable warrants issued to Harjit Singh received back with the report served through wife andailable warrants issued Mohd. Nizamuddin Shah received back with the report of served through family member. Let presence of abovesaid witnesses be again procured throughailable warrants of arrest in the sun of Rs.5000/- with one surety in the like amount for the date fixed. Fresh summons to SI Jaskanwal Singh Sekhon be also issued for the date fixed. Accused Manjinder Singh be again produced in Court on the date fixed. File be sent back to the concerned Court immediately.”

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6. After hearing counsel for the parties and after going through the records thereof, without commenting on the merits of the case keeping in view the incarceration suffered by the petitioner and the fact that the co-accused Ranjodh Singh already stands admitted to bail, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.
7. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

20.09.2023

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Whether speaking/reasoned :	Yes
Whether Reportable :	No