

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M No.692 of 2024

Date of decision: 29<sup>th</sup> April, 2024

Manjinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Ms. Kuljinder Bir Kaur, Advocate for the petitioner.

Mr. Navdeep Singh, Dy. Advocate General, Punjab  
for the respondent/State.

**MANJARI NEHRU KAUL, J. (ORAL)**

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.105 dated 29.05.2023 under Sections 392, 411, 34 of the IPC and sections 25, 54, 59 of the Arms Act, 1959 registered at Police Station Mandi Gobindgarh, District Fatehgarh Sahib.

2. Learned counsel for the petitioner inter alia contends that the petitioner has been in custody since 30.05.2023 for allegedly going to the shop of the complainant armed with a firearm; after putting the complainant under fear looting an amount of ₹5000/- from him as well as his mobile handset. Learned counsel submits that the petitioner's false implication in the case in hand is evident from the fact that the complainant while stepping into the witness box as PW-2 did not

identify the petitioner as being the one who had participated in the crime in question. She submits that as a result of the same, the complainant was declared hostile by the prosecution. It has been further submitted that since 11 prosecution witnesses out of the 13 cited still remain to be examined, further incarceration of the petitioner would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Harminder Singh, has submitted that the petitioner was specifically named in the FIR in question. He has however, on further instructions, not disputed that the complainant who is the sole material witness in the instant case, had failed to identify the petitioner as being the person who after putting him under fear had looted cash as well as mobile handset and also fired on the floor.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. The petitioner has now been in custody since 30.05.2023. The sole material witness in the case in hand, i.e. the complainant stands examined and who, as not disputed, had not supported the case of the prosecution. There is no likelihood of the trial concluding in the near future as 11 prosecution witnesses still remain to be examined. In the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the

satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

6.           Needless to add here, in case the petitioner misuses the concession of bail, the State would be at liberty to approach this Court for cancellation of bail in the instant case.

(MANJARI NEHRU KAUL)  
JUDGE

April 29, 2024  
*rps*

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |