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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-4816-2024
Date of decision: 07.03.2024

Maninder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Manoj R. Sharma, Advocate for the petitioner.

KARAMJIT SINGH, J. (ORAL)

1. This petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail in case having FIR No.49 dated 19.08.2023, under Sections 307, 336, 427, 148, 149 of IPC and Section 302 IPC added later on vide DDR No.09 dated 31.08.2023 and Section 25/27 of Arms Act, Police Station Kotli Surat Mallian, Police District Batala, District Gurdaspur.
2. As per allegations in the FIR, there was a group fight which resulted into death of Chanpreet Singh son of Ajit Singh who was from the side of the present petitioner.
3. Counsel for the petitioner submits that the petitioner was not named in the FIR and later on falsely implicated in the present case, on the basis of disclosure statement of co-accused Paramjit Singh and

subsequently, arrested on 16.11.2023 and during investigation, no weapon was recovered from his possession and nothing specific is available on the record against the petitioner. Counsel for the petitioner further submits that similarly situated co-accused Satinder Singh belongings to group of the petitioner is already granted of benefit of interim bail by this Court vide order dated 20.02.2024.

4. Notice of motion.

5. Mr. Inderjeet Singh, DAG, Punjab, accepts notice on behalf of the State and on instructions from ASI Kulwinder Singh submits that during the group fight Chanpreet Singh sustained injuries and due to said injuries, he later on died. The State counsel further submits that the petitioner was nominated as accused on the basis of disclosure statement made by accused Paramjit Singh and was arrested but during investigation nothing was recovered from possession of the petitioner and on completion of investigation police has presented the challan but charges are still to be framed. The State counsel has not disputed the fact that there are no specific allegations available on the record against the petitioner except for disclosure statement made by the co-accused.

6. I have considered the submissions made by counsel for the parties.

7. Admittedly, the petitioner was not named in the FIR and his name surfaced in the disclosure statement of co-accused, which will be tested during trial. During investigation, no incriminating article was recovered at the instance of the petitioner who is presently lodged in judicial custody and further on completion of investigation, police has

presented challan but trial will commenced only after the framing of issues and it will take considerable time for termination of trial. Admittedly, the petitioner is having no criminal history. Further similarly situated co-accused Satinder Singh is already given concession of anticipatory bail by this Court. In the given circumstances, no purpose is going to be served by detaining the petitioner in custody for any longer period.

8. Consequently, without expressing on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

07.03.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

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