

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5156-2024
Decided On: 05.03.2024

MANJIT SINGH @ MEETI AND ANOTHER

.....PETITIONER(s)

Versus

STATE OF PUNJAB

.....RESPONDENT(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Yashpal Thakur, Advocate
for the petitioners.

Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J.(Oral)

1. The instant petition has been filed under Section 439 Cr.P.C., for grant of regular bail to the petitioners in case FIR No.31 dated 10.02.2023 under Sections 399, 402 IPC (411 IPC added later on) and 25/54/59 Arms Act registered at Police Station Mandi Gobindgarh, Fatehgarh Sahib, Punjab.
2. Learned counsel for the petitioners *inter alia* contends that the petitioners have been falsely implicated in the instant case, which is evident from the fact that they have clean antecedents and are not involved in any other criminal case. While drawing the attention of this Court to the allegations, which are levelled in the FIR (Annexure P-1), it has been submitted that allegedly a secret information was received by the police against the accused including the petitioners to the effect that they were planning to commit a decoity and thereafter, the police allegedly apprehended the accused including the petitioners.

Learned counsel for the

petitioners further submits that after being arrested, a recovery of datar was planted upon petitioner No.1 i.e. Manjit Singh @ Meeti and gandasi was recovered from the petitioner No.2 Gurjant Singh @ Ladaru. Learned counsel has further submitted that the investigation in the case in hand is complete and even charges stand framed, however, none of the 12 prosecution witnesses cited have been examined so far. Hence, the trial is unlikely to conclude in the near future. It has also been submitted that since all the witnesses in the case in hand are official witnesses, there can be no apprehension of the petitioners tampering with the evidence or even trying to intimidate the witnesses. A prayer has, therefore, been made for enlarging the petitioners on bail.

3. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the learned counsel for the petitioners, on instructions from ASI Baljinder Singh, has reiterated the allegations levelled in the FIR to the effect that a specific secret information had been received qua all the accused including the petitioners of planning a decoity. Learned State counsel, however, has not disputed that the petitioners have clean antecedents and are not involved in any other criminal case, much less a case of similar nature. It has also not been disputed that the charges stand framed by the learned trial Court against the petitioners, however, prosecution evidence has not yet been recorded and is likely to be recorded on the next date of hearing i.e. 11.03.2024.

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

5. The petitioners have been in custody since 10.02.2023; the possibility of the trial concluding shortly seems unlikely as the prosecution evidence is yet to

commence and the petitioners as conceded by the learned State counsel are not involved in any other criminal case.

6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioners. Accordingly, the instant petition is allowed; the petitioners be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned.

7. 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.

8. Needless to add here, in case, the petitioners are found misusing the concession of bail, the State would be at liberty to approach this Court to seek cancellation of bail to them.

05.03.2024

Aman Dua

(MANJARI NEHRU KAUL)
JUDGE

<i>Whether speaking/reasoned?</i>	<i>Yes/No</i>
<i>Whether reportable?</i>	<i>Yes/No</i>