

CRM-M-7289-2023

Date of Decision:06.02.2024

Manjot Singh

...Petitioner

VS.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S. Shekhawat**Present :** Mr. S.P.S.Sidhu, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

Mr. J.S.Ghumman, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.23 dated 01.04.2021 registered under Sections 302, 148, 149, 323 of IPC and Sections 25, 27 of Arms Act, 1959, at Police Station Bholath, District Kapurthala.

2. Learned counsel for the petitioner contends that in the present case, the alleged occurrence had taken place at about 9.15 p.m. on 31.03.2021, but the FIR was got registered by the complainant at about 11.00 am on 01.04.2021, after due deliberations. Learned counsel further contends that even though, the petitioner has been shown to be the main accused in the present case, but they had reported the matter to the police in the shape of a cross version and the police did not take any action on the complaint lodged by the

accused side. Learned counsel further contends that the police had only registered a DDR No.15 dated 06.04.2021, containing the version of the accused side and chose not to proceed in the matter. However, the accused side has now filed a criminal complaint, in which the complainant side has been ordered to be summoned by the Judicial Magistrate. He, thus, contends that the trial against the present petitioner may get delayed. Learned counsel further contends that the petitioner and Satinder Pal Singh, co-accused also had received serious injuries in the present occurrence and the prosecution has failed to explain the said injuries. Learned counsel further contends that almost similarly placed co-accused Harbhajan Singh has been granted the concession of bail by this Court, vide order dated 01.11.2022 in CRM-M-36368-2022. He further contends that the petitioner was arrested in the present case on 01.04.2021 and is in custody for the last more than 2 years and 10 months. Even the prosecution has been able to examine only 7 witnesses, out of total 25 witnesses, so far and the trial has been intentionally delayed, so that the period of incarceration of the petitioner may be increased. Learned counsel for the petitioner has submitted voluntarily that the petitioner shall not enter the jurisdiction of Tehsil Bholath, till the conclusion of the prosecution evidence.

3. On the other hand, learned State counsel, assisted by learned counsel for the complainant, have vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner had fired shots, which led to death of Randeep Singh on a trivial issue. Learned counsel further submit that the witnesses of the prosecution are yet to be examined and the petitioner may try to influence the witnesses of the prosecution. However,

learned counsel admit that co-accused Parminder Singh and Harbhajan Singh, have already been granted the concession of bail vide order dated 11.02.2022 in CRM-M-33019-2021 and vide order dated 01.11.2023 in CRM-M-36368-2022, respectively.

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

5. No doubt, the petitioner has been shown to be the main accused in the present case, who is attributed a fired shot, which caused the death of Randeep Singh, deceased. However, the petitioner was arrested in the present case on 01.04.2021 and is continuing in custody for the last more than 2 years and 10 months. Thus, the petitioner cannot be confined in jail in perpetuity. Even the prosecution has been able to examine only 7 witnesses, out of total 25 witnesses, so far. Further, the petitioner has already offered himself that he shall not enter the jurisdiction of Tehsil Bholath, District Kapurthala, till the conclusion of the prosecution evidence, so no purpose would be served by keeping the petitioner behind bars, at this stage. Still further, the apprehension expressed by learned State counsel and learned counsel for the complainant is unfounded as the petitioner has already offered that he would not enter the jurisdiction of Tehsil Bholath, District Kapurthala, till the conclusion of the prosecution evidence.

6. Consequently, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the

- facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.*
- (ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*
 - (iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.*
 - (iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*
 - (v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*
 - (vi) In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move a petition for cancellation of bail granted to him.*
 - (vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bail bonds and surety bonds of the petitioner.*
 - (viii) The petitioner shall not enter the jurisdiction of Tehsil Bholath, District Kapurthala, till the conclusion of the prosecution evidence, in the present case.*

06.02.2024
hemlata

(N.S.SHEKHAWAT)
JUDGE

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