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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-11745-2024
Date of decision:-23.07.2024

MANDEEP SINGH @ GUGGU

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Ms. Gurdeep Kaur, Advocate for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J.(ORAL)

Learned counsel for the State has filed reply by way of affidavit dated 04.07.2024 of Deputy Superintendent of Police, Samrala, Police District Khanna, District Ludhiana and also custody certificate dated 22.07.2024, the same are taken on record. Copy thereof, has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
176	24.08.2023	379-B(1), 323, 325, 34 IPC	Samrala, District Ludhiana

3. It is *inter alia* contended by learned counsel for the petitioner



that the petitioner is innocent and has been falsely implicated in this case. He submits that petitioner was not named in the FIR but was nominated on the supplementary statement of the complainant Nirmal Singh. He submits that petitioner is in custody since 04.09.2023, no recovery has been effected from him, after completion of investigation challan has been presented in Court and prosecution has cited 7 witnesses and none of them have been examined so far. He submits that co-accused Harpreet Singh and Gagandeep Singh @ Karan have been granted concession of regular bail by this Court vide order dated 21.02.2024 (Annexure P-4). He submits that no other criminal case is pending against the petitioner and trial will take sufficient long time to conclude, as such he prays for grant of concession of regular bail to the petitioner.

4. Learned State counsel, on the other hand, has opposed the bail petition by arguing that considering the nature and gravity of offence petitioner does not deserve concession of bail. However, he has admitted that after completion of investigation, challan has been presented in Court and prosecution has cited 7 witnesses and none of them have been examined so far. He has also admitted that co-accused had already been granted concession of bail vide order dated 21.02.2024 (Annexure P-4).

5. After considering the submissions made by both the sides and perusing the record, it transpires that as per the case of the prosecution FIR was registered on the complaint of Nirmal Singh stating that on 24.08.2023, while he was sleeping on the bed outside the office of the petrol pump, at about 3:00 am three unknown persons attacked him and gave iron blow on his head and snatched ₹1500/- and his mobile phone from his pocket, due to



injuries he felt unconscious and was admitted to Civil Hospital Samrala. Admittedly, in the FIR petitioner was not named but was later nominated on the basis of supplementary statement of the complainant. The injuries on the person of the complainant as per MLR report dated 22.01.2024 (Annexure P-3) are not serious in nature and on non vital part of the body of the complainant. The other co-accused Harpreet Singh and Gagandeep Singh @ Karan have been granted concession of regular bail by this Court vide order dated 21.02.2024 (Annexure P-4) passed in CRM-M-4237-2024 and CRM-M-1847-2024. The petitioner is in custody since 04.09.2023, after completion of investigation, challan has been presented in Court and prosecution has cited 7 witnesses and none of them have been examined so far. The conclusion of trial, to ascertain criminal liability, if any of the petitioner will take sufficient long time and no purpose would be served by detaining the petitioner any longer in custody.

6. Resultantly, the present petition is allowed. The petitioner is ordered to be released on regular bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

23.07.2024

Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No