



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-12301-2024

Date of Decision: 12.08.2024

Manpreet Singh @ Jokas @ Tiwana

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Manjit Singh Uppal , Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 Cr.PC with a prayer to grant regular bail to him in case FIR No. 96 dated 19.07.2023, registered under Sections 307,323,324,148,149 of IPC, Police Station City-1, Mansa District Mansa (Annexure P-1).

2. Learned counsel for the petitioner contends that the alleged occurrence had taken place on 18.07.2023 in which the complainant had levelled allegations against 07 accused namely Kulwinderjit Singh @ Kaklu, Manyog Singh, Kulwinder Singh @ Nikka, Joginder Singh @ Akashdeep Singh, Rajdeep Singh, Jashan @ Jassi and Shammi. He further contends that the during the course of investigation, the police had recorded the statement of Gurpal Singh on 24.08.2023 i.e after more than 01 month and 07 days of the occurrence and in the said statement the petitioner was also named as one of the assailant. He further contends that as per the said statement, the petitioner had caused an injury with *Gandasa* on the right leg of the Arman Parocha,

injured, whereas, similar injury was already attributed to the Kulwinderjit Singh @ Kaklu. He further contends that similarly placed co-accused Kulwinderjit Singh @ Kaklu has already been granted the concession of bail by the Court of Additional Sessions Judge, Mansa on 09.05.2024. Learned counsel further contends that the petitioner was arrested in the present case on 31.10.2023 and is in custody since then. As per him, the prosecution relied upon 18 witnesses, but no witness has been examined so far and there are no chances of early conclusion of the trial in the present case.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail.

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

5. As per the custody certificate, the petitioner has undergone more than 09 months of custody in the present case and the prosecution has not even formally examined a single witness in the present case. Thus, the trial may not conclude in the near future. Apart from that, the petitioner is not in a position to tamper with the prosecution evidence.

6. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate 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 is involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.*
- (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 bails bonds and surety bonds of the petitioner.*
- (viii) The petitioner shall report on every 1st Monday of English calender month to the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the Rojnamcha.*

7. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

12.08.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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