

227

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13087-2024

Date of Decision: 20.03.2024

Manyog Singh

...Petitioner

vs.

State of Punjab

...Respondent

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

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

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 in case FIR No.96 dated 19.07.2023 registered under Sections 307, 323, 324, 148, 149 of IPC, at Police Station City-I Mansa, District Mansa.

2. Learned counsel for the petitioner contends that as per case of the prosecution, the petitioner had allegedly caused an injury with a gandasa on the backside of the head of the complainant. However, the said injury was caused by a blunt weapon and has been declared to be simple in nature. Learned counsel has placed reliance on the orders Annexures P-2 to P-5, whereby Jashjandeep Singh @ Jassu, Gurjinder Singh, Satwinder Singh alias Sammi and Jashan Singh alias Jassi alias Jashandeep Singh have been granted the concession of bail by this Court. Learned counsel further contends that the petitioner was arrested in the present case on 20.08.2023 and is in custody since

then. Learned counsel further contends that in fact, the injuries on the right leg of Arman Parocha @ Pulsar, which led to the amputation of his right leg, have been attributed to Kulwinderjit Singh alias Kakloo and Manpreet Singh alias Jokas alias Tiwana, co-accused and the petitioner has not caused any injury to Arman Parocha @ Pulsar.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that three more cases have been registered against the present petitioner and the petitioner is not entitled to concession of bail by this Court.

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

5. The petitioner was arrested in the present case on 20.08.2023 and is in custody since then. The final report under Section 173 Cr.P.C. has already been presented before the Competent Court. Otherwise, Jashjandeep Singh @ Jassu, Gurjinder Singh, Satwinder Singh alias Sammi and Jashan Singh alias Jassi alias Jashandeep Singh have already been granted the concession of bail by this Court, vide orders Annexures P-2 to P-5. Even though, three more cases have been ordered to be registered against the petitioner, but the same cannot be a ground for dismissal of the bail application in a criminal case. In fact, the Hon'ble Supreme Court in the matter of “***Prabhakar Tewari Vs. State of U.P., and another***” 2020(1) R.C.R. (Criminal) 831 has held that the pendency of several criminal cases against the accused cannot be the basis to refuse the prayer of bail. Similar observations have been made by the Hon'ble Supreme Court in the matter of “***Maulana Mohd. Amir Rashadi Vs. State of U.P., and another***” 2012(1) R.C.R. (Criminal) 586.

6. Without commenting on the merits of the case, 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.
- (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.

20.03.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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