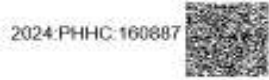


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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17410-2024
Date of Decision: 03.12.2024

MANPREET SINGH ALIAS MAPPI
.....Petitioner

VERSUS

STATE OF PUNJAB
.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. J.S.Johal, Advocate,
for the petitioner

Ms. Manjot Kaur, AAG, PUnjab.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, the petitioner craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.23 dated 13.03.2022, under Sections 365, 302 and 34 of IPC, 1860, and under Section 25 and 27 of the Arms Act, 1959, registered at Police Station Chabbewal, District Hoshiarpur.
2. In the instant case, the prosecution agency was set into motion on a statement suffered by one Kulwaran Singh. The relevant extract of the the FIR reads as under:-

“Stated that I am a resident of the above address and am doing agricultural work. I am a Nihang Singh. Kulwaran Singh resident of Gopalian is also Nihang Singh and we belong to the same jathebandi

and know each other well. On 11-3-2022 I and Charanjit Singh son of Kewal Singh resident of Dandian police station Chabbewal were going to Gurudwara Hariavelan on motorcycle. At about 12:30 p.m. when we reached near the road going from village Bham to Harte, there we met Maninder Singh alias Mani son of Kulwaran Singh resident of Gopalian police station Chabbewal, whom I already knew, along with two other boys named Manpreet alias Mapi resident of Mukhlyana and Paramveer Singh alias Pamm resident of Dihana. All three of them were going on motorcycle. We asked Maninder Singh alias Mani what are you doing here. Who said that we have come from Bham to get the factor repaired. I asked him where is your father, who said that he is at home. On dated 11-3-2022 at around 2:30 pm, I got a call from Kulwaran Singh that Maninder Singh has not come home. I think that the boy from Dihana has killed him. On which I told Kulwaran Singh resident of Gopalian that I and Charanjit Singh had seen Maninder Singh with Manpreet Mapi and Paramveer Singh Pam on a motorcycle about 2 hours ago. On which at the same time I went to Kulwaran Singh and other Nihang Singhs also gathered there. We started looking for Maninder Singh. Today on 13-3-2022 while searching, we were going on the Kachi Phirni going to Halte from village Chinton, when we reached near the field of mustard, many people had gathered there, where we stopped and saw that dead body of Maninder Singh alias Mani was lying in the mustard field. Paramveer Singh alias Pam and Manpreet alias Mapi have shot and killed Maninder Singh alias Mani. Strict legal action should be taken against them ”

3. The learned counsel for the petitioner, in his asking for the hereinabove extracted relief, submits that the petitioner has suffered incarceration of about more than 2 years and 8 months, as on today, and till date, out of the total 19 witnesses cited by the prosecution in the final report, only 01 witness has been examined.

4. He further submits that the instant case as set up by the prosecution, is based upon circumstantial evidence, and except the disclosure statement, there is no incriminating material available with the prosecution against the present petitioner.

5. He in addition developed his arguments by referring to the reply, dated 11.07.2024, filed to the instant petition, to submit that the recovery of weapon of offence was effected from the co-accused-Paramvir Singh alias Pamm, and it is also the case of the prosecution that

the co-accused has caused gunshot injury to the deceased, whereas, there is no allegation that the petitioner has caused any injury to him.

6. He over and above submits that the motorcycle and the jacket was also got recovered at the instance of co-accused. So far as present petitioner is concerned, there is complete lack of any admissible evidence, to connect the present petitioner with the instant crime. He finally submits that the petitioner is a man of clean antecedents.

7. *Per contra*, the learned State counsel, has vociferously opposed the asked for relief to the present petitioner, and submits that the petitioner is one of the main accused who in a pre-planned manner committed the murder of the deceased-Maninder Singh alias Mani.

8. She further submits that the prosecution is able to collect the material evidence, i.e. the last seen witness, who saw the deceased in the company of the present petitioner, and the co-accused. Therefore, *prima facie*, there is a strong case against the present petitioner.

9. She has filed a custody certificate *qua* the petitioner today in court, which is taken on record. A perusal of the custody certificate reveals that the petitioner has suffered incarceration of 02 years 08 months and 13 days, as on today.

10. She, on instructions, imparted to her by the official respondent, submits that after conclusion of the investigation, the final report under Section 173 Cr.P.C., had already been filed way back on 06.10.2022, whereas charges were framed on 02.12.2022, and till date out

of the total 19 witnesses cited by the prosecution, only 01 has been examined.

11. This Court has considered the rival submissions made by learned counsel for the parties concerned, and has gone through the entire case file, and is of the considered opinion that the instant petition is amenable for being allowed.

12. The reason for forming the above inference emanates from the factum that:

- (i) No doubt the instant case is based upon a circumstantial evidence. Whether, the circumstances as mentioned by the prosecution in the final report are sufficient to bring home the guilt of present petitioner, would be a moot question, which is to be adjudicated by the learned trial court concerned;**
- (ii) even as per the allegations, the petitioner did not cause any injury to the deceased;**
- (iii) the petitioner has suffered incarceration of 02 years 08 months and 13 days, as on today;**
- (iv) out of the total 19 prosecution witness, only 01 witness has been examined till date;**
- (v) no fruitful purpose would be served by keeping the petitioner behind the bars;**
- (vi) Trial is not likely to conclude anytime soon.**

13. Considering the hereinabove made discussion, this Court deems it fit and appropriate to grant the concession of regular bail to the petitioner. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of bail bond and

surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

14. However, anything observed here-in-above shall have no effect on the merits of the trial, and is only meant for deciding the present petition.

15. However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as are involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court.

16. All pending application(s), if any, also stand **disposed** of accordingly.

December 03, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No