

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

214-2

CRM-M-21130-2024

Date of decision: 03.05.2024

Manpreet Singh @ Monu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. L.M. Gulati, Advocate
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in cross case DDR No.30 dated 18.01.2024 under Sections 307, 323, 324, 160, 148, 149 of the IPC and Sections 25, 27, 54, 59 of the Arms Act, 1959 (Sections 212, 216, 120-B and 201 of the IPC added lateron) in FIR No.132 dated 13.11.2023 under Sections 302, 307, 160, 323, 324, 148, 149 of the IPC and Sections 25, 27, 54, 59 of the Arms Act, 1959 (Sections 212, 216, 120-B, 473 of the IPC added lateron) registered at Police Station Division-D, Amritsar City, District Amritsar.

2. While drawing the attention of this Court to the allegations levelled in the DDR, learned counsel for the petitioner has at the outset submits that it is a case of version and cross version wherein it was the opposite party i.e. accused in FIR No.132 dated 13.11.2023, who fired fatal shots towards one person from their side i.e. Arun and injured two

others. He submits that the name and role of the petitioner surfaced in the cross version wherein it was alleged that the petitioner had inflicted dang blow on the person of one of the accused in the FIR version. Learned counsel has argued that admittedly it indeed comes across as a quarrel which erupted at the spur of the moment between two groups. He has submitted that in the occurrence in question, even the petitioner had received injuries at the hands of the opposite party. Learned counsel submits that since the petitioner has now been in custody since 28.11.2023 and investigation in the case at hand is complete as even challan stands presented, however, there is no likelihood of the trial concluding in the near future since as many as 42 prosecution witnesses have been cited coupled with the fact that charges are likely be framed only on the next date of hearing.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Sudesh Kumar, has not disputed the factual aspect of the role attributed to the petitioner; learned State counsel on further instructions has also not disputed that it appears to be a case of sudden quarrel between two armed groups wherein both the sides had received injuries at the hands of each other. It has also not been disputed by the learned State counsel that the petitioner also received injury in the said occurrence. The stage/status of the trial has also not been disputed by the learned State counsel. He submits that the next date fixed before the learned Trial Court is 08.05.2024 when charges are likely to be framed.

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

5. As not disputed by the learned State counsel, it is a case of version and cross version wherein both the parties have received injuries at the hands of each other. The petitioner too have received injury in the occurrence in question. The possibility of the trial concluding any time in the near future looks remote. In the facts and circumstances as enumerated hereinabove, further incarceration of the petitioner would serve no useful purpose. This Court, therefore, deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

03.05.2024

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(MANJARI NEHRU KAUL)
JUDGE

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