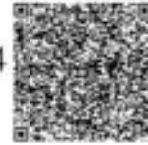


CRM-M-23998-2024

#1#

2024.PHHC.140634



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-23998-2024

Date of Decision:-25.10.2024

Mandeep Singh @ Mandeep @ Tiger.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Vishavjeet Singh Rishi, Advocate &
Ms. Divya Sharma, Advocate for the Petitioner.

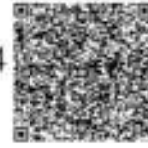
Mr. Rohit Bansal, Sr. DAG Punjab.

JASJIT SINGH BEDI, J.(ORAL)

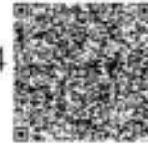
The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.176 dated 08.10.2022 under Sections 307, 160, 148, 149 IPC and later on added Sections 324, 323 and 506 IPC registered at Police Station Division No.2, District Ludhiana (Punjab).

2. The present FIR came to be registered at the instance of the investigation agency and reads as under:-

“ SHO Police Station Division No.2, "Jai Hind" Today 1 ASI alongwith ASI Satinder Pal Singh Number 1561/LDH, Senior Sepoy Gagandeep Singh Number 2953/LDH, Senior Sepoy Talwinder Singh No. Number 851/LDH were present at Suffian Chowk in connection with patrolling and in search of bad elements by taking laptop and printer through private vehicle. Then the special informer by coming secretly informed that Tiger

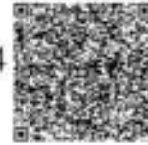


son of Nikku resident of Ambedkar Colony (Ghora Colony) Ludhiana along with his other companions have formed a gang who by putting in fear the people gives beatings. Similarly Vansh Verma son of Rajinder Verma resident of Street Number 11, Janakpuri, Ludhiana along with their companions have formed gang and do hooliganism. There is a rift in both sides from long time and keeps waiting for each other and keeps on fighting. On dated 07-10-2022 also above said Vansh Verma along with his companions Aladin Alias Bhola son of Taj Mohammad resident of Gumtala Jalandhar presently driver at Civil Hospital, Ludhiana, Prince son of Rakesh Kumar resident of Street No.1, Shankar Colony, Tibba Road, Ludhiana, Tushar Son of Shalu Kumar, Maggu resident of Street No.7, Janakpuri, Ludhiana, Sahil son of Raju resident of Manjeet Nagar, Ludhiana. Mobile Number 89685- 63048 and along with them 3-4 persons in connivance with each other are waiting for fight with Tiger and his companions at Janakpuri, Street No.6 ½ as per previously fixed time. Upon which Tiger and his companions Subhi son of Shripal, Beta son of Vinod and Kuddha resident of Ambedkar Colony (Ghora Colony) Ludhiaria along with 20- 25 unidentified persons armed with swords, iron daats, iron rods and baseball etc and by riding on motorcycle PB-10-GL-4490, Splendor Plus Colour silver and Motorcycle PB-91-K-5178, Splendor Plus black colour and on the other vehicles for fighting with other side reached there at 9PM. Abovesaid both sides attacked upon each other with deadly weapons openly at road at Janakpuri, Street No.6 ½. Due to their fight the general public nervous and the threats of life also came for general public. The traffic got struck/jam from both sides. Both sides quarrelled with each other with intention to kill



and did looting and brawl. After that both sides by seeing the people gathering, went away from the spot along with their vehicles and arms. During that quarrel some youngsters received injuries also. If the people would not had gathered there then these both sides would have killed each other. The information is true and reliable. Both sides by fighting with each other with intention to kill and for disturbing the peace of general public and by putting in fear of death to the general public have committed the offence under section 307, 160, 148, 149 IPC. So for registration of a case against Tiger, Subhi, Beta and Kuddha, Vansh Verma, Aladin Alias Bhola, Prince, Tushar and above said Sahil and against 20-25 unidentified persons and after getting it typed through Senior Sepoy Gagandeep Singh No.2953/LDH and by taking its print through my private printer is sent to the Police Station for registration of a case through Senior Sepoy Gagandeep Singh 2953/LDH. After registering the case, number be intimated. Control room be informed. Special reports be sent to Senior Officers. I ASI along with companions is moving to the spot Sd/ Balur Singh ASI, Incharge Chownki, Janakpuri, Police Station Division No.2, Ludhiana dated 08-10-2022."

3. The Counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The statement of injured-Prince was recorded on 26.12.2022, more than 02 months of the registration of the FIR wherein the petitoiner is stated to have given a *dat* blow on the head of the Prince. Taking the allegations to be correct, only a simply injury had been attributed to him. Section 307 IPC had been added only on account of intention to commit the murder and not on account of any injury having been suffered by the injured which was declared dangereous to life. As the



petitioner was in custody since 01.03.2024 but none of the 19 prosecution witnesses had been examined so far, the trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.

5. The learned State counsel has filed affidavit dated 02.09.2024 of Ms. Akarshi Jain, IPS, Assistant Commissioner of Police (Central) Ludhiana in the court today, which is taken on record. While referring to the said affidavit he contends that pursuant to the arrest of the petitioner, an iron *dat* and a motor cycle used in the occurrence was recovered from him. FIR No.14 dated 16.02.2024 under Section 379, 411, 188 IPC P.S. Daba, Ludhiana stands registered against the petitioner. Keeping in view the nature of the allegations levelled against the petitioner and his criminal antecedents, he was not entitled to the concession as prayed for. He however concedes that the petitioner was in custody since 01.03.2024, none of the 19 Pws had been examined so far and that there was no injury suffered by the complainant party which had been declared dangerous to life.

5. I have heard counsel for the parties.

6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. The petitioner is stated to be in custody since 01.03.2024 and none of the 19 prosecution witnesses had been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petitions are allowed and the petitioner-**Mandeep Singh @ Mandeep @ Tiger** son of Sh. Nikku is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned



CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in this order.
9. In addition petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.
10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

October 25, 2024

Vinay

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