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

Sr. No.300

**CRM-M-30056-2024(O&M)
Date of decision : 08.07.2024**

Mangaljit Singh @ Manga Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. P.K.S. Phoolka, Advocate, for the petitioner.

Mr. Neeraj Madan, Sr. DAG, Punjab.

KIRTI SINGH, J. (Oral)

This petition under Section 439 Cr.P.C. has been filed for grant of regular bail to the petitioner in case FIR No.246 dated 27.11.2023 under Sections 307, 323 and 34 IPC and Sections 25 and 27 of the Arms Act, 1959 registered at Police Station City Budhlada, District Mansa.

2. Learned counsel for the petitioner submits that no specific role has been attributed to the petitioner and he has been falsely implicated. He further submits that the only allegation against the petitioner is that he was seen coming along with accused Paramjit Singh @ Pamma on the spot and thereafter, running from there. He also submits similarly situated co-accused Bhagwan Singh @ Bhana Singh has been granted the concession of regular bail by a Coordinate Bench of this Court vide order dated 29.05.2024 passed in CRM-M-26478-2024. The petitioner has been in custody for 06 months and 18 days. There are two other criminal cases against the petitioner, but he is on bail. Thus, the petitioner may be granted regular bail.

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3. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner and states that he had actively participated in commission of offence. He has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone actual custody of 06 months and 18 months. He on instructions from the concerned investigation officer submits that challan has been presented and charges are yet to be framed. He further submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

4. Heard.

5. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. Admittedly, the petitioner is in custody more than 06 months. Challan has been presented but charges are yet to be framed. The co-accused Bhagwan Singh @ Bhana Singh has been granted the concession of regular bail vide order dated 29.05.2024 passed in CRM-M-26478-2024 and further incarceration of the petitioner would not serve any purpose.

6. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

(I) The petitioner will not tamper with the evidence during the trial.

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(II) The petitioner will not pressurize/intimidate the prosecution witness(s).

(III) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.

(IV) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.

(V) 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 from disclosing such facts to the Court or to any police officer or tamper with the evidence.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

8. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

9. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

08.07.2024

Ramandeep Singh

Whether speaking / reasoned

Whether Reportable

Yes/No

Yes/No