



In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-35786-2024 (O&M)
Date of Decision: 4.9.2024

Mandeep Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Amandeep Singh Manaise, Advocate for the petitioner.
Mr. Prabhdeep Singh Dhaliwal, AAG, Punjab.

FIR No.	Dated	Police Station	Section/s
203	4.11.2023	Dinanagar, District Gurdaspur	307, 326, 324, 341, 506, 120-B, 148 and 149 of Indian Penal Code

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of the aforementioned FIR.
2. The FIR in question was lodged on the statement of Kuldeep Singh, wherein it is alleged that Amit Kumar and Abhishek Kumar @ Babbu had posted their own photographs alongwith a girl on Instagram. When the complainant's brother Pradeep Singh asked the accused on 17.10.2023 about the same and objected to posting of such photographs on Instagram, a confrontation took place amongst them. It is alleged that later on 1.11.2023, when the



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complainant along with his brother Pradeep Singh was going on their motorcycle, they were waylaid by 5 unknown persons, who were carrying 'datars' and who inflicted injuries to Pradeep Singh with the help of their weapons. It is alleged that Abhishek and Amit Kumar had hired the said assailants to harm the complainant and his brother.

3. Learned counsel for the petitioner submitted that the petitioner is nowhere named in the FIR and is not alleged to be amongst the five unknown assailants and has been nominated pursuant to a disclosure statement made by co-accused Abhishek Kumar @ Babbu and Amit Kumar. It has further been submitted that in any case when the complainant Kuldeep as well as injured Pradeep Singh were examined during the course of trial, they did not support the case of prosecution and did not identify the petitioner to be amongst the assailants.
4. Opposing the petition, learned State counsel submitted that since as many as 5 injuries were found on the person of injured including 3 grievous injuries out of which 1 grievous injury is attributed to the petitioner, no case for grant of bail is made out. Learned State counsel has however informed that the petitioner has been behind bars since the last about 8 months and 5 days and stands involved in one more case i.e. FIR No.209, dated 28.9.2018 registered at Police Station City Gurdaspur, under Section 379-B of Indian Penal Code.
5. This Court has considered rival submissions addressed before this Court.
6. Without commenting anything as regards the veracity of allegations but keeping in view the custody of the petitioner i.e. 8 months and 5 days and



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also that 2 of the prime witnesses i.e. the complainant as well as injured have already resiled as would be evident from their statements, the copies of which have been furnished to this Court today by learned counsel for the petitioner, further detention of the petitioner would not be justified particularly keeping in view the fact that conclusion of trial is likely to consume time as only 2 PWs out of the cited 25 PWs have been examined so far.

7. The instant petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

4.9.2024
Geeta/P

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No