



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42453-2024
Date of Decision:05.09.2024

Manjit Singh @ Soni ...Petitioner

vs.

State of Punjab ...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present : Mr. Kulwinder Bhargav, Advocate and
Mr. Robin Arora, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 Cr.PC with a prayer to grant regular bail to him in case FIR No. 21 dated 04.03.2019, registered under Sections 324,307,148,149 of IPC and Section 25 of Arms Act, (Section 201 of IPC and Section 27 of Arms Act added later on) Police Station Lohian, District Jalandhar Rural (Annexure P-1).
2. Learned counsel for the petitioner submits that the petitioner has been falsely involved in the present case only on the basis of statement made by Balvir Singh. As per the FIR, the petitioner was holding a *Kirch* and gave a blow on the head of Jagdeep Singh, however, Jagdeep Singh raised his right hand to save himself and the blow had landed on the little finger of right hand of Jagdeep Singh. He further contends that even the offence under Section 307 of IPC has been added only to make the offence graver and to ensure the longer custody of the accused in the present case. He further contends that even though

the petitioner was declared to be a proclaimed person twice, but the petitioner is in custody since 02.03.2024. He further contends that the matter has been amicably resolved between the parties and his further custody will not serve any meaningful purpose.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the serious allegations have been levelled against the present petitioner, however, learned State counsel submits that the petitioner has been declared a proclaimed person on 04.12.2019 and 13.07.2022 and the present petition deserves to be dismissed by this Court.

4. I have heard the learned counsel for the parties and perused the record carefully.

5. In the present case, the petitioner was earlier granted the concession of bail however, he could not appear before the Trial Court and was declared as a proclaimed person by the Court. In the present case, the parties have been amicably resolved all their disputes and the conclusion of the trial may take quite a long time. Thus, further custody of the petitioner will not serve any meaningful purpose.

6. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate subject to the following conditions:-

(i) 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 to disclose such facts to the Court or to any other authority.

- (ii) *The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*
- (iii) *The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.*
- (iv) *The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*
- (v) *The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*
- (vi) *In case, the petitioner is involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.*
- (vii) *The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.*
- (viii) *The petitioner shall report on every 1st Monday of English calender month to the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the Rojnamcha.*

7. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

05.09.2024

hitesh

(N.S.SHEKHAWAT)

JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No