

MANPREET SINGH @ MANNU....Petitioner

Versus

STATE OF PUNJAB... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Ankur Jain, Advocate
for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

SANJIV BERRY, J. (ORAL)

Learned State counsel has filed custody certificate dated 29.01.2024, the same is taken on record. Copy thereof has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
41	07.03.2022	392, 395 IPC (201, 148, 149 IPC added later on)	Gharinda, District Amritsar Rural.

3. Brief facts of the case are that complaint was made by Sunny Mahajan working as accountant at RPB Wine Khasa stating that on 06.03.2022 at about 11 AM when the complainant and Rajesh were present

in the office then three muffled face persons entered the office holding datar in their hands and three persons standing outside the office and looted an amount of ₹5,09,540/- and also tried to snatch mobile phone but during scuffle, cloth from their faces fell down and identified assailants namely Satinder Singh and Manpreet Singh @ Mannu and hence the FIR.

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner has not committed any offence and has been falsely implicated in this case. He submits that as per the case of the prosecution 3 persons with muffled face has snatched cash from the complainant, however the police has falsely roped in the petitioner. He contends that there is nothing on record as to how the complainant came to know about the identity and parentage of the petitioner. The petitioner is in custody since 08.03.2022, challan has been presented and hence he prays for grant of concession of bail to the petitioner.

5. Learned State counsel has assailed these arguments by submitting that the petitioner has committed heinous crime and as such he is not entitled to concession of bail. He, however, admitted that petitioner is in custody since 08.03.2022 and challan has been presented in Court on 31.08.2022 and out of 14 witnesses cited by the prosecution none of them have been examined by the trial court as of now.

6. After considering the rival contentions and perusing the record, it transpires that petitioner is in custody since 11.03.2022 as per the custody certificate filed by the learned State counsel and the petitioner is not involved in any other case, after completion of investigation challan has been presented in Court, meaning thereby that petitioner is not required for

further investigation. Prosecution has cited 14 witnesses and none of them have been examined till date. The conclusion of trial will take sufficient long time to ascertain criminal liability, if any, of the petitioner and no useful purpose would be served by keeping the petitioner behind bars any longer.

7. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served in keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

30.01.2024

Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No