



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

CRM-M-47081-2024 (O&M)
Date of Decision:-26.9.2024

Manpreet Singh @ Kali ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kuldeep Singh Siwach, Advocate for the petitioner.

Mr. Neeraj Sheoran, DAG, Haryana.

FIR No.	Dated	Police Station	Section/s
334	7.11.2022	City Ratia, District Fatehabad	307, 384, 387, 506 of Indian Penal Code, Sections 25 of Arms Act, 1959, wherein offences under Sections 452, 212 and 120-B IPC were added later on

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of the aforementioned FIR.
2. The FIR was lodged at the instance of Chander Sain, the translated gist of which reads as under:

“To, Mr. SHO Sahib, Police Station City Ratia. Sir, it is a request that I am Chandra Sain, son of Lajpat Rai, resident of Ward No. 2, Old Bazaar Ratia and I have a shop in the name of T S Electronics on Tohana Road, Ratia. Today evening at around 6.40 PM, I was



closing the shop and I and the boy working at my shop, Sewak son of Nachhattar Singh, resident of Badalgarh, were outside the shop and the other boy working at my shop Ram, resident of Dadupur was in the shop. Meanwhile, an unknown young boy who entered my shop in front of us. What I thought was that this unknown boy had come to buy some goods, who had a cloth tied over his mouth and head. Seeing the unknown boy going inside the shop, Sewak also went inside the shop. My servant Sewak came out from inside and told me that unknown boy is calling you inside, I also went inside the shop and both my servants came outside the shop. Then that unknown young boy asked me where is your son Honey, to which I said that my son Honey has gone home. He told me his name is Sucha r/o Sahnal and said that if Rs 20 lakh is not received by the day after tomorrow, then your entire family will be killed and started showing the pistol he had with him. Having said this, the boy went outside the shop to his two friends on the road and all three fired at me with the pistol they had with them with the intention of killing me, which coincidentally I bent down and the two fires hit the glass of the shop and one fire hit the board above the shop. The three boys ran away while firing on the road and threatening to kill me and my family in a loud voice. You are requested to take strictest legal action against Sucha Singh and his two associates.”

3. It is further the case of prosecution that subsequently statement of complainant's son namely Paras @ Honey was recorded, who stated that two persons standing outside the shop at the time of occurrence were Suraj son of Darshan Singh and Deepu @ Deepak. Deepu @ Deepak was arrested by the police and upon interrogation, he stated that even Jagsir Singh @ Jassi was involved with them and that Jagsir Singh @ Jassi had conducted recce of the shop before the occurrence. It is further the case of prosecution that



subsequently Deepu @ Deepak got recorded another disclosure statement, wherein he stated that Avtar Singh @ Tari and Manpreet Singh were infact the accused and that the said persons had fired in the air outside the shop of the complainant.

4. Learned counsel for the petitioner submitted that the petitioner is nowhere named in the FIR and came to be nominated on the basis of “second” disclosure statement made by another co-accused Deepak @ Deepu, who himself came to be nominated on the basis of a supplementary statement made by complainant’s son. Learned counsel submitted that 4 other co-accused have already been granted regular bail. It has been submitted that since the petitioner has been behind bars for the last about 1 year, 9 months and 21 days and since trial has not even commenced, the petitioner deserves to be released on bail.
5. Opposing the petition, learned State counsel submitted that the petitioner is involved in 4 other cases and is apparently a habitual offender. It is not disputed that the petitioner has been behind bars since the last about 1 year, 9 months and 21 days. It has also been informed that as on date none out of the cited 38 PWs has been examined.
6. This Court has considered rival submissions addressed before this Court.
7. It is not in dispute that the petitioner is not named in the FIR and came to be nominated on the basis of “second” disclosure statement made by co-accused. The petitioner has been behind bars for a substantial period of about 1 year, 9 months and 21 days. Four other co-accused have already been granted bail. The Trial has not even commenced till date and as many as 38 PWs have



been cited. Under these circumstances, the petitioner cannot be kept behind bars for an indefinite period.

8. The 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.

26.9.2024
Pankaj

(Gurvinder Singh Gill)
Judge

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