

CRM-M-47084-2024

1

289

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-47084-2024 (O&M)
Date of Decision: 26.09.2024

Maneet @ Mani

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present:-. Mr. Aajeshwer Singh Grewal, Advocate
for the petitioner.

Mr. R.S. Thind, DAG Punjab

KIRTI SINGH, J.(Oral)

CRM-38215-2024

Application is allowed as prayed for.

CRM-M-47084-2024

The jurisdiction of this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 has been invoked for grant of regular bail to the petitioner in case FIR No.183 dated 16.09.2023, under Sections 302, 120-B IPC registered at Police Station Canal Colony, District Bathinda.

2. The facts of the present case are that the above stated FIR was registered on the statement of Sohan Singh wherein he alleged that on 15.09.2023 at about 9.45 p.m., he saw Sachin and Abhishek holding his son from arms in a vacant plot. In the meantime, a group of 8/9 boys namely Akash @ Bohemia

armed with Kirpan, Ajay armed with rod, Abhey armed with Danda, Honey armed

**CRM-M-47084-2024****2**

with Danda and Muneet @ Mani empty handed came on motorcycle and one Alto car also came there occupied by accused Manpreet Singh @ Billa and Honey @ Kekra. Accused Akash raised exhortation to teach a lesson to the son of complainant for quarreling with them and while saying so, he gave kirpan blow on the head of his son and he fell down on the ground. Thereafter, he was given multiple blows by the other accused with their respective weapons apart from kick and fist blows. His son raised alarm which attracted Gurmeet Singh and other people at the spot. Then all the accused fled away from the spot with their respective weapons.

3. Learned counsel for the petitioner *inter alia* submits that petitioner has been falsely implicated in the present case and the material witnesses have turned hostile qua the petitioner. The petitioner has been in custody for 01 year and 06 days and there is no other cases registered against him. He further submits that the charges in the present case were framed on 06.02.2024 and out of 17 prosecution witnesses, only 02 prosecution witnesses have been examined.

4. Per contra, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. As per the custody certificate, the petitioner has undergone actual custody of 01 year and 06 days and there is no other cases pending against him. Learned State counsel on instructions from ASI Jaswant Singh submits that the charges in the present case were framed on 06.02.2024 and out of 17 prosecution witnesses, only 02 prosecution witnesses have been examined. He, however, submits that there are serious allegations against the petitioner and he is not entitled to the concession of regular bail.

5. Heard the rival submissions made by learned counsel for the parties.

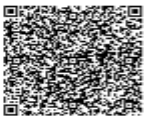
**CRM-M-47084-2024****3**

6. The charges were framed on 06.02.2024 and out of total 17 prosecution witness, 02 prosecution witnesses have been examined till date. The petitioner has undergone actual custody of 01 year and 06 days and there is no other cases pending against him.

7. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. Admittedly, the charges were framed and two prosecution witness have been examined till date. The petitioner has undergone actual custody of 01 year and 06 days and the material witnesses have turned hostile. Therefore, this Court is of the view that further incarceration of the petitioner would not serve any purpose.

8. 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 her 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.
- (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 she is suspected.
- (v) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the



CRM-M-47084-2024

4

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.

9. 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.
10. 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.

(KIRTI SINGH)
JUDGE

26.09.2024
reena

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No