

2024:PHHC:136445



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49097-2024
DECIDED ON: 18.10.2024

MANVIR SINGHPETITIONER

VERSUS

STATE OF PUNJABRESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Jasinder S. Sekhon, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court under Section 483 of BNSS, 2023 has been invoked for the grant of regular bail to the petitioner in FIR No. 130, dated 04.08.2024, under Sections 109, 118(2), 118(1), 115(2) of BNS, 2023 (Sections 3(5) and 238 of BNS, 2023 added later on), registered at Police Station City Nawanshahar, District SBS Nagar.

2. Facts:-

‘Statement by Ashwani Kumar S/O Kulwinder Singh, resident of Rakkara Bet, Police Station Balachaur, District ShaheedBhagat Singh Nagar, age around 20 years, mobile number 7347232766, stated that I am a resident of the aforementioned address. I am studying in the 3rd semester, 2nd year of BSC.IT at RK Arya College, Rahon Road, Nawanshahr., Rajveer Singh S/O Narinder Singh, resident of Mohalla Paharganj, Rahon, also studies B.A. in our college and is known to me. Prabhjot Singh S/O Jagtar Singh, resident of village Mahindpur

Uldhani, Police Station Balachaur, District SBS Nagar, came to our college about two months ago for admission and became acquainted with me. On 02-08- 2024, around 11:00 AM, I was at my college where I met Rajveer and Prabhjot. At that time, Arun Singh Gill, resident of village Hansaro, tease Prabhjot and said 'Calm down', to which Prabhjot responded by slapping Arun Singh Gill. Subsequently, other boys came to support Arun Singh. While Arun remained inside the college, I, along with Prabhjot Singh and Rajveer, reached the gate near the college ground, where Kabir Singh S/O Amrika Singh, resident of village Hansaro, Police Station Sadar Nawanshahr, who also studies in our college, was present along with Manveer Singh S/O Ranjit Singh, resident of near Telephone Exchange, Apra, Police Station Phillaur, District Jalandhar, presently residing at village Begampur, Police Station City Nawanshahr, District SBS Nagar, and Prince alias Billa S/O Makhan Ram, resident of village Kahlon, Police Station Rahon, District SBS Nagar. There were two other persons whom I do not know, but I can identify if they come before me. A scuffle ensued between Prabhjot Singh and the aforementioned Kabir Singh and Kabir Singh took out a sharp iron dagger from his pocket and attacked Prabhjot Singh, saying that Prabhjot was acting too arrogant and should be killed today. Kabir's accomplices, Manveer Singh and Prince alias Billa, also attacked Prabhjot. Manveer Singh struck Prabhjot with his kara (iron bangle), and Prince assaulted Prabhjot with his Dasti Vanja. When Rajveer Singh and I tried to rescue Prabhjot, Kabir's accomplices also attacked kabir Singh with punches and kicks When we tried to stop the fight, Kabir struck me on the head with the sharp iron dagger he was holding. He struck me on the back of my head. Then, one of Kabir's accomplices also hit Rajveer. The three of us were severely injured and began shouting for help. When more students started gathering, Kabir Singh, Manveer Singh, Prince alias Billa, and their two accomplices fled the scene with their weapons. Prabhjot Singh sustained severe injuries. After some time, someone called an ambulance, and we were taken to the Civil Hospital, Nawanshahr. Due to Prabhjot Singh's serious injuries, he

was transferred from the Civil Hospital to Raja Hospital, Nawanshahr, and then admitted to CMC Hospital, Ludhiana, where he is currently in the ICU. Rajveer Singh and I were discharged from the Civil Hospital and returned home. The aforementioned individuals Kabir Singh, Manveer Singh, Prince alias Billa, and their accomplices attacked us with the intention of killing us and with the intent to create a disturbance in the college.”

2. **Contentions**

On behalf of the petitioner

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and no specific injury has been attributed to him. He further submits that the injuries whatsoever have been attributed to co-accused namely Kabir. He relies upon the order dated 06.09.2024 (Annexure P-2) passed by this Court in CRM-M-43961-2024 vide which co-accused namely Prince @ Billa @ Bhupinder Singh has already been granted the concession of regular bail.

On behalf of the State

Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. He prays for dismissal of the present petition on the ground that the petitioner is involved in one another case, therefore does not deserve the concession of regular bail at this stage, but could not controvert the fact that co-accused namely Prince stands admitted on bail by this Court.

3. **Analysis**

Heard the counsel for both the parties.

Considering the submissions made by learned counsel for the petitioner that no grievous injury whatsoever has been attributed to the petitioner added with the fact that co-accused person has already been granted the concession of bail vide order dated 06.09.2024 (Annexure P-2) passed by this Court in CRM-M-43961-2024 apart from the fact that conclusion of trial shall take sufficient time as

investigation is still going on, no useful purpose would be served by keeping the petitioner behind bars for uncertain period, wherein “*bail is a rule and jail is an exception*” and it would also violate the principle of right to speedy trial and expeditious disposal under Article 21 of Constitution of India, as has been time and again discussed by this Court, while relying upon the judgment of the Apex Court passed in *Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131*.

As far as the contention of learned State counsel with regard to pendency of other case is concerned, reliance can be placed upon the order of this Court rendered in CRM-M-25914-2022 titled as “*Baljinder Singh alias Rock vs. State of Punjab*” decided on 02.03.2023, wherein, this Court observed that pendency of other FIRs involving the accused-petitioner cannot be a predicament to consider the case for anticipatory bail or regular bail, as the evidence of the material involved in those FIRs can be treated in those cases alone and not material in instant FIR against the accused-petitioner to hold him guilty.

5. **DECISION:**

In view of the discussions made hereinabove, the petitioner is hereby directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

In the afore-said terms, the present petition is hereby allowed.

However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

(SANDEEP MOUDGIL)
JUDGE

18.10.2024

Meenu

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