

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-61901-2023

Date of Decision:-06.02.2024

Manpreet Singh @ Mani @ Tich.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Vishal Sharma Vasudeva, Advocate for the Petitioner.

Ms. Ramta K Chaudhary, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.47 dated 25.06.2023 under Sections 307, 324, 323, 34 IPC and Section 201 IPC added later on registered at Police Station Shahpur Kandi, District Pathankot, Punjab.

2. The present FIR came to be registered at the instance of Vikas Dev @ Vicky son of Tara Chand which reads as under:-

“ Statement of Vikas Dev @ Vicky son Tara Chand resident of VishKarma Colony, Khanpur, Police Division No. 1, Pathankot, District Pathankot, aged about 22 years Mobile No. 71801-02736 stated that I am resident of above mentioned address and doing private job at poultry farm in village Kahanpur. On 23-06-2023 at about 09PM I and my friend Satnam Chadda by riding on his motorcycle were standing opposite Sant Estate near closed factory of Banarsi Sweets then Manish Kumar @ Anku @ Chulla son of Mahesh Kumar resident of Kabir Colony, Sujanpur road, Police Division No.1, Pathankot, District Pathankot and Manpreet Singh

@Mani @ Tich son of Suba Singh resident Sujanpur road, Near Parsan Ashram, Khanpur, by riding on his motor cycle came and while stepping down from the motor cycle Manish Kumar @ Anku @ Chulla above raised lalkra and said catch hold Vicky and he be taught lesson for giving our secret information to Police then Anku @ Chulla above gave blow of Kirch with the intention to kill me. Which hit on left side of my head. Then Manish Kumar @ Anku @ Chulla above gave Kirch blow on me so I raised my right arm to save myself which hit on my elbow due to which I fell down. Then while I fell down Manish Kumar @ Anku @ Chulla was about to give me Kirch blow from left side that to save myself I shifted which hit on my chest at right side. Then while I fell down Manpreet Singh @ Mani @ Tich above gave me punches and leg blow on different part of my body and gave me brick blows. That Satnam Chadda standing alongside me tried best to protect me from both of them, Anku and Mani. That they both also pushed him and threw him away. While escaping by Satnam Chadha, by hearing the incident of fight from someone my brother Rinku Kumar son of Tara Chand resident of Vishkarma Colony, Khanpur, came at the spot then I raised hew and cry and accused persons flew away from the spot with their weapons on their motorcycle this all incident has been witnessed by my friend Satnam Chadda and my brother Rinku Kumar above and Satnam Singh by arranging vehicle taken me to Civil Hospital Pathankot where doctor has issued my MLR and done dressing on me and admitted me for treatment. Due to grievance injury caused to me my family members took me to Raj Hospital, Simbal Chownk Pathankot for treatment where I am under treatment. I have handed over the MLR regarding injuries caused to me. Is the claimant. Appropriate legal action be taken against Manish Kumar @Anku @ Chulla son of Mahesh Kumar resident of Kabir Colony. Sujanpur road, Police Division No.1, Pathankot, District Pathankot and Manpreet Singh @ Mani @ Tich son of Suba Singh resident Sujanpur road, Near Parsan Ashram, Khanpur, Division No. 01, Pathankot. Statement has been recorded and heard and is correct Sad/- Vikas Dev."

3. The Counsel for the petitioner contends that he has been falsely

implicated in the present case. No specific injury has been attributed to him. The only allegations are that while falling down the petitioner had given punches and foot blows along with brick blows on the various body parts of the injured/complainant. However, no such injury exists on the person of the complainant/victim. Pursuant to the arrest of the petitioner no recovery of any weapon had been effected from him. In fact as per the recovery memo dated 27.06.2023 the police had only recovered brick bats from the spot. As the petitioner was in custody since 25.06.2023 and only 02 out of 18 prosecution witnesses had been examined so far, the trial of the present case was not likely to be concluded anytime soon and, therefore, the petitioner was entitled to the concession of bail.

4. The Counsel for the State on the other hand contends that the petitioner and his co-accused assaulted the complainant. The nature of the allegations levelled against them did not entitle them to the grant of bail. She however, concedes that the petitioner is a first time offender, in custody since 25.06.2023 and only 02 out of the 18 prosecution witnesses had been examined so far.

5. I have heard learned Counsel for the parties.

6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is a first time offender, in custody since 25.06.2023 and only 02 out of the 18 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Manpreet Singh @ Mani @ Tich** son

of Sh. Suba Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. If the petitioner or any of his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this Court.

9. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

February 06, 2023
Vinay

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