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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARHCRM-M-7314-2025 (O&M)
Date of Decision: 13.02.2025

MANPREET SINGH @ MANN

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Manbir Singh Basra, Advocate,
Mr. Anupinder Singh Brar, Advocate and
Ms. Kanica Sachdeva, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG Punjab.

Mr. G.S. Madaan, Advocate and Mr. Arpinder S. Sidhu, Advocate
for the complainant.

Harpreet Singh Brar, J. (Oral)

1. Present petition has been filed under Section 483 of Bhartiya Nagrik Suraksha Sanhita (BNSS), 2023 for grant of regular bail to the petitioner in cross-version bearing DDR No. 20 dated 10.07.2024 under Sections 103, 109, 132, 221, 324(4), 191(3), 190, 303(2), 317(2), 238 of BNS and Sections 25, 27, 54, 59 and 30 of Arms Act 1959 in FIR No. 77 dated 08.07.2024 under Sections 103, 109, 132, 221, 324(4), 191(3), 190, 303(2), 317(2), 238 of BNS and Sections 25, 27, 54, 59 and 30 of Arms Act 1959 registered at Police Station Shri Hargobindpur, Police District Batala, District Gurdaspur.

2. The facts of this case are as under:-

"As per the contents of the FIR, on 07.07.2024 at about 7:15 p.m., SI Major Singh gave an information to Inspector Satpal Singh, SHO, Police Station Shri Hargobindpur that both the parties are quarrelling with each other in the Chowk of Shri Hargobindpur. SI



Major Singh along with some other police officials had reached the spot and from the spot he gave the telephonic information to the SHO that on one side Angrej Singh son of Budha Singh along with his party men and on the other side Tarsem Singh son of Diwan Singh alongwith his party men were firing at one another. On getting the said information, Inspector Satpal Singh alongwith some other police officials left for the spot. On reaching the spot he found that Shamsher Singh son of Niranjn Singh and Baljit Singh son of Budha Singh of the party of Angrej Singh and Nirmal Singh son of Diwan Singh and Balraj Singh son of Rawel Singh of the party of Tarsem Singh had been killed by fire arm injuries in the said occurrence. Later on, it was found that the correct name of the person who was initially mentioned as Shamsher Singh was Dilsher Singh. In addition to the deaths of four persons in the said occurrence, a number of persons had received injuries in the occurrence. Six persons belonging to the group of Tarsem Singh namely Gurpreet Singh, Tarsem Singh, Kulwinder Singh, Navinder Singh, Navninder Singh, Balbir Singh and Nishan Singh had received the injuries. Two persons belonging to the group of Angrej Singh namely Angrej Singh and Jaswinder Singh had received injuries. All the said injured persons have been discharged from the hospital.”

3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case and there is no direct or indirect evidence to indicate the involvement of the petitioner in the alleged incident and it is a case of version and cross-version and two persons from each side had died and the alleged incident had taken place on 07.07.2024 and the complainant has named 26 persons in the FIR. He further refers to Annexure P-2 i.e. DDR No. 19 dated 18.09.2024 and submits that vide the aforementioned DDR, on the basis of secret information, the petitioner was nominated as one of the accused and his nomination, after two months of the occurrence and that too



on the basis of secret information, cannot connect the petitioner in any manner with the alleged incident. Further place of occurrence is a public place i.e. light point Chowk, which is accessible to general public and the time of incident is 07.00 PM on 07.07.2024 and large number of persons were present at the spot, when the alleged incident had taken place, as such merely the presence of the petitioner and tower location of his mobile phone at the place of occurrence, will not connect him with the alleged incident. Learned counsel further refers to the observations of learned Sessions Judge, Gurdaspur, while declining his bail application and submits that the best case of the prosecution is that the petitioner was present at the spot of occurrence, however, admittedly, as per the case set up by the prosecution, petitioner neither played any specific role nor caused any injury to any individual.

4. Per contra, the learned State counsel files the custody certificate, which is taken on record and he assisted by learned counsel for the complainant opposes the prayer made by learned counsel for the petitioner on the ground that petitioner was named as accused on the basis of secret information and the complainant inadvertently omitted to mention his name initially, but there is a scientific evidence showing that the petitioner was present at the spot, armed with sharp edged weapon and came at the spot in swift car. However, learned State counsel could not controvert the fact that petitioner has not caused any injury to any individual and he is not involved in any other case.

5. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that it is a case of version and cross-version and it would be moot point to be determined by the learned trial Court as to whether it is a case of free fight or one of the party is aggressor. The petitioner has been

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injury to any individual and he is behind the bars since 23.09.2024 i.e. for a period of 04 months and 19 days and out of total 47 prosecution witnesses, none has been examined so far. Thus trial of the case will take sufficient long time to conclude. Further, the culpability, if any, would be determined at the time of final disposal of the case and as such, no useful purpose will be served by further detention of the petitioner-accused.

A two Judge Bench of Hon'ble Supreme Court in 'Satender Kumar Antil v. CBI' (2022) 10 SCC 51, with respect to prevailing conditions of under-trial prisoner in India has observed:

"6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other."

6. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner-Manpreet Singh @ Mann is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

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7. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

(HARPREET SINGH BRAR)
JUDGE

13.02.2025*Ajay Goswami*

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>