



CRM-M-32535-2025 (O&M)

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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRM-M-32535-2025 (O&M)****Reserved on : 28.10.2025****Pronounced on : 31.10.2025**

Maninder Singh @Munshi

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Argued by: Mr. J.K. Singla, Advocate for the petitioner.

Mr. Rohit Bansal, Sr. DAG, Punjab.

SURYA PARTAP SINGH, J.

1. For the commission of offence punishable under Sections 307, 326, 325, 324, 323, 341, 148, 149, and 427 of Indian Penal Code, the FIR No.108 dated 09.06.2024 has been lodged in Police Station Bhikhi, District Mansa. The petitioner is being prosecuted for the commission of abovementioned offence and he has been arrested. The petitioner is in custody and, therefore, craving for bail. This is first petition filed by the petitioner, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. In nut-shell, the facts emerging from record are that the FIR of this case came into being on the statement of Jagsir Singh, who stated that on 08.06.2024 at about 01:30 pm, he was working in his field, and there he

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spotted that his brother Jaswant Singh along with Maninder Singh was going home on his motorcycle and Maninder Singh was driving the motorcycle. According to complainant, near their fields a Bolero vehicle came from behind and hit the motorcycle of Maninder Singh, whereupon Jaswant Singh was a pillion rider. As per complainant due to impact of abovesaid collusion, Jaswant Singh and Maninder Singh fell down, and thereafter 8-9 persons armed with hatchet (gandasi), swords, rod and sticks, launched an attack upon them and inflicted injuries on their persons, including grievous injuries.

3. It is the case of the prosecution that on the basis of abovementioned statement, formal FIR in this case was lodged and the investigation taken up. As per prosecution, during the course of investigation, the petitioner has been arrested.

4. Heard.

5. It has been contended on behalf of the petitioner that the petitioner is in custody since 03.08.2024, and that his name does not figure in the FIR. According to the learned counsel for the petitioner, there is no medical opinion on record to show that any of the injuries, suffered by the injured, was grievous in nature, and that trial is not likely to be concluded in near future.

6. It has also been argued by learned counsel for the petitioner that the benefit of bail has already been accorded to three co-accused, namely Sukhdeep Singh @Monu, Lovepreet Sharma @Labhi and Prem Singh



@Laddi, and that nothing is left to be recovered from the possession of petitioner, and therefore, his detention behind the bars is not likely to serve any purpose.

7. *Per contra*, the learned State Counsel has argued that multiple injuries on the person of victims were caused by the petitioner, and that injury Nos.20 and 21 have been attributed to the petitioner. As per learned State Counsel, out of those two injuries, one injury has been declared grievous. According to the learned State Counsel, otherwise also the petitioner does not have the clean antecedents, as he is already facing trial in several cases, and that if he is released on bail, there are chances that he may influence the witnesses or tamper with the evidence.

8. The record has been perused carefully.

9. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration, before arriving at any decision with regard to present petition for bail: -

- i) that the petitioner has already suffered a lot of incarceration for being in custody for a period of almost 01 year and 03 months;
- ii) that the injured has already been discharged from the hospital;
- iii) that nothing is left to be recovered from the possession of petitioner;
- iv) that the trial is not likely to be concluded in near future;
- v) that detention of petitioner in judicial lockup is not likely to serve any purpose; and



- vi) that there is nothing on record to show that if released on bail, the petitioner may influence the witnesses.

10. With regard to the legal aspect involved in the instant case, it is relevant to mention that the Hon'ble Supreme Court in the case of "***Dataram versus State of Uttar Pradesh and another***", 2018(2) R.C.R. (Criminal) 131, has observed that "*a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case*".



11. The principles laid down by the Hon'ble the Supreme Court of India in the case of '**Satender Kumar Antil Vs. Central Bureau of Investigation and Another**', 2022 LiveLaw (SC) 577, are also relevant in this case. In the abovementioned case, it has been observed that "*the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible adjudication by way of trial. On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice*".

12. Therefore, to elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as mandated by Hon'ble Apex court in "**Balwinder Singh versus State of Punjab and Another**", SLP (Crl.) No.8523/2024.

13. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to a conclusion that the petitioner is entitled for the benefit of bail and that the present petition deserves to be allowed.



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14. Accordingly, without commenting anything on the merits of the case, the present petition is hereby allowed. The petitioner is hereby ordered to be released on bail on his furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court, subject to the following conditions:-

- (i) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.
- (ii) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the final disposal of the case; and
- (iii) that the petitioner shall not leave India without prior permission of the trial Court.

15. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

(SURYA PARTAP SINGH)
JUDGE

OCTOBER 31, 2025

Gaurav Thakur

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No