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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.50937 of 2025
Date of Decision: 16.09.2025**

Manbir Singh @ Mannu Baba @ Nihang

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Ranjit Saini, Advocate
for the petitioner.

Mr. Raj Karan Singh, Asstt. A.G., Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.28, dated 19.02.2020, under Sections 302, 394, 323, 379-B, 396, 148, 149 of IPC, registered at Police Station Lopoke, Amritsar, District Amritsar.

2. Succinctly, the facts of the case are that the complainant, namely, Harbhej Singh made a complaint to the Police, wherein it was alleged that on 18.02.2020, he alongwith his brother Ajaypal Singh and one Jugraj Singh sitting on pillion were coming to their village on their motorcycle. At about 9:00 p.m., when they reached at turning point of village Lawa, then 3-4 young persons standing on the road, stopped the motorcycle of his brother, namely, Ajaypal Singh and being afraid, the complainant also stopped his motorcycle. The complainant saw in the light



of motorcycle that four persons attacked his brother, Ajaypal Singh with *Datar* and other sharp edged weapons, which they were carrying and they caused injuries to Jugraj Singh as well, who was sitting pillion. Thereafter, they threw his brother Ajaypal Singh on the road. When they left, the complainant rushed to his brother Ajaypal Singh. The assailants took away the mobile phone of his brother. The complainant and his relatives shifted his brother to Amandeep Hospital, Amritsar, however, his brother succumbed to the injuries in the hospital. Thus, the request was made to take legal action against the culprits. On the complaint made, the FIR was registered and the investigation commenced. During the investigation, complicity of the petitioner, namely, Manbir Singh @ Mannu @ Baba Nihang surfaced and thus he was also arrayed as an accused in the present case. Resultantly, the petitioner was arrested on 13.04.2020. The petitioner approached the Court of learned Additional Sessions Judge, Amritsar praying for the grant of regular bail, however, on hearing both the sides, learned Court declined the same vide order dated 20.05.2024. Hence, the petitioner is before this Court by way of filing the present petition praying for grant of regular bail.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. He has submitted that the FIR in the present case was lodged on the statement of complainant, namely, Harbhej Singh. He has submitted that the petitioner was not named in the FIR, however he has been arrayed as an accused during the investigation. He has submitted that similarly situated co-accused, namely, Harjit Singh @ Gonder, Manpreet Singh @ Manna, Basant



Singh and Sandeep Singh @ Sunny Bharkila have already been granted bail by this Court vide orders dated 10.05.2022, 23.02.2023, 15.05.2023 and 27.11.2024, respectively passed in CRM-M-18371-2021, CRM-M-8448-2023, CRM-M-13566-2023 and CRM-M-58404-2024. He has submitted that the petitioner is behind bars since 13.04.2020 and thus, has suffered incarceration of more than 05 years. However there is no progress in the trial and thus, the right of speedy trial is miserably defeated. He has further submitted that the petitioner has no criminal antecedents. He has submitted that in the facts and circumstances, when the co-accused of the petitioner, have already been granted bail, the petitioner deserves to be granted bail.

4. Learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that during the investigation, the petitioner was arrested in some other case bearing FIR No.70, dated 12.04.2020, under Sections 399 & 402 IPC and Section 25 of Arms Act, registered at Police Station Lopoke, District Amritsar, wherein he had confessed about the complicity in the present case and thus he was arrested in the present case. He has affirmed the submission made by learned counsel for the petitioner that other co-accused of the petitioner have already been granted bail by this Court. He has further submitted that the petitioner had given the fatal blow to the deceased. He, on instructions, has submitted that out of total 22 prosecution witnesses, only 03 witnesses have been examined so far.

5. After hearing counsel for the parties and perusing the record, it is apparent that occurrence in the present case had taken place on 18.02.2020. The petitioner is behind bars since the date of his arrest, i.e.



13.04.2020. However, it is an admitted fact that other co-accused of the petitioner, namely, Harjit Singh @ Gonder, Manpreet Singh @ Manna, Basant Singh and Sandeep Singh @ Sunny Bharkila have already been granted bail by this Court vide orders dated 10.05.2022, 23.02.2023, 15.05.2023 and 27.11.2024, respectively, whereas, the petitioner has suffered incarceration of more than 05 years. As submitted before this Court, only 03 witnesses have been examined so far, out of total 22 prosecution witnesses. Needless to say that speedy trial is right of every accused.

6. The Hon'ble Supreme Court in *Ashim @ Asim Kumar Haranath Bhattacharya @ Asim Harinath Bhattacharya @ Aseem Kumar Bhattacharya Vs. National Investigation Agency, 2022(1) SCC 695* has held as under:

“Deprivation of personal liberty without ensuring speedy trial is not consistent with Article 21 of the Constitution of India. While deprivation of personal liberty for some period may not be avoidable, period of deprivation pending trial/appeal cannot be unduly long. At the same time, timely delivery of justice is part of human rights and denial of speedy justice is a threat to public confidence in the administration of justice.”

7. The Hon'ble Supreme Court in a recent decision dated 03.07.2024 in '**Javed Gulam Nabi Shaikh Vs. State of Maharashtra, Criminal Appeal No. 2787 of 2024**', has held that howsoever serious a crime may be, an accused has the right to speedy trial under the Constitution of India.

8. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from



commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner on parity.

9. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

10. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

16.09.2025
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(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No