

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-56156-2024
Reserved on: 07.01.2025
Pronounced on: 30.01.2025

Maninder Singh @ Sethi ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ajay Pal Singh Rehan, Advocate
for the petitioner.

Mr. Jasjit Singh, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
62	21.08.2017	Garhdiwal, District Hoshiarpur	307 & 120- B IPC and 25 of Arms Act

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. As per paragraph 9 of the bail petition as well as custody certificate dated 06.01.2025, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	123	02.09.2020	307, 120-B IPC amd 25 of Arms Act	Haryana
2	11	06.03.2024	174A IPC	Gardhiwal
3	23	12.03.2020	336, 451, 201, 427, 148, 149 IPC	Haryana
4	146	23.12.2022	25/54/59 of Arms Act	Haryana
5	51	22.08.2019	25/54/59 of Arms Act	Gardhiwal

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“2. That it is submitted that FIR No.62 dated 21.08.2017 U/s 307 and 120-B IPC and Section 25 of Arms Act, 1959 was registered at P.S. Garhdiwala, District Hoshiarpur against the petitioner, Hardeep Singh, Prabhjot Singh, Prince, Jang Bahadar and unknown persons on the statement of complainant Amrik Singh that he is agriculturist. Today on

21.08.2017, the complainant and Avtar Singh son of Sahil Singh resident of Mohalla Jattan, were discussing the evidence to be given in the Hon'ble court at Dasuya at the gate of house of above said Avtar Singh when the complainant was Sway back to his house on his Aactiva No.PB-07-AK-3728 from his field and stopped at the gate of house of above said Avtar Singh. At about 06:10 p.m. when two young men on one motor cycle and three Hindu gentlemen came on other motor cycle from Garhdiwala side, out of them the complainant identified two persons. The driver of the motor cycle was petitioner and pillion rider of the motor cycle was Hardeep Singh @ Dabbu son of Sohan Singh R/o Village Khurda. Hardeep Singh @ Dabbu got off the motor cycle and raised lalkara that they will be kill today and he fired straight shot from his pistol which hit on his Aactiva and the other shot fired above said Hardeep Singh @ Dabbu hit on the right foot of Avtar Singh. The complainant and Avtar Singh raised hue and cry to save them and the above said five assailants fled towards village Wahga on their motor cycle. Young Bahadar resident of Canada, Prabhjot Singh Jyoti and Prince resident of village Khurda in connivance with each and with planning have got done this attack upon them. The reason behind it is that the complainant had litigation with them. The complainant and Avtar Singh had to give evidence in the court at Dasuya in connection with these cases. Therefore, the above said persons want to kill them. Avtar Singh was taken to Hospital in injured condition in private car. Hence, action be taken."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

"5. That it is submitted that the co-accused Manjit Singh, co-accused Chanpreet Singh @ Kaka and co-accused Prince were on one motor cycle and co-accused Hardeep Singh @ Dabbu and the petitioner were on other motor cycle and they came at the gate of house of Avtar Singh resident of Mohalla Jattan, Garhdiwala Police Station. Garhdiwala, District Hoshiarpur. The petitioner was driving the motorcycle and the co-accused Hardeep Singh @ Dabbu was pillion rider of the motorcycle The co-Saccused Hardeep Singh @ Dabbu fired two shots from his pistol, out of which one shot hit on the Aactiva scooty of the complainant and the other

shot hit on the feet of the above said Avtar Singh. The co-accused Hardeep Singh @ Dabu got recovered the said pistol. The petitioner misused the concession of the bail and he was declared P.O. in the present case on 16.01.2024 and he was re-arrested in the present case on 28.08.2024. The custody certificate of the petitioner is annexed as Annexure R-1. The petitioner evaded the proceedings of the present case and misused the concession of the bail and as such the present petition is liable to be dismissed.”

7. Petitioner’s criminal history is somewhat indicates towards his bend of mind.
8. As per the complainant, the firing took place to dissuade the complainant from standing as a witness in a Court cases. Thus the motive itself is so concerning, if this Court grants bail to the petitioner, it would send a signal to the other accused and their accomplices that by threatening the witnesses and firing upon the witnesses they can have their way thereby disrupting the rule of law. Thus the motive itself is sufficient to deny bail.
9. A perusal of the bail petition and the documents attached prima facie points towards the petitioner’s involvement and does not make out a case for bail. The impact of crime would not justify bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.
10. The petitioner’s custody of around 11 months & 02 days cannot be termed prolonged, given the minimum sentence prescribed for the offense, which is imprisonment for life.
11. Regarding the delay in the trial, if the trial does not conclude by 31-12-2025, and the delay is not attributable to the petitioner, the petitioner may apply for bail before the trial Court. The Court shall not be influenced by the dismissal of bail on merits or by the criminal history and shall decide it on changed circumstances and the prolonged trial.
12. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.
13. **Petition dismissed.** All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

30.01.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.