

2025:PHHC:029236



208.

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

CRM-M-57356-2024

Date of decision: 01.03.2025

Manpreet Singh @ Lovepreet Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Damanjit Singh Sandhu, Advocate, for the petitioner.

Mr. Amit Rana, Senior DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This is second petition that has been filed under Section 483 of BNSS, 2023, for grant of regular bail to the petitioner, pending trial, in case FIR No.99, dated 12.06.2023, under Sections 302, 323, 120-B, 148, 149 of IPC, registered at Police Station Makhu, District Ferozepur.

Learned counsel for the petitioner submits that the petitioner has been languishing in custody since 20.06.2023 in a case of false implication. The petitioner was neither named in the FIR in question, which has been annexed as Annexure P-1, nor was there any whisper raised qua his involvement in the alleged crime. The petitioner came to be nominated lateron in a disclosure statement allegedly suffered by co-accused, Pargat Singh. Learned counsel has reiterated his submissions made on the previous date of hearing that despite repeated issuance of non-bailable warrants to

secure the presence of the complainant (wife of the deceased), who allegedly witnessed the murder of her husband, she had failed to appear before the trial Court to get her evidence recorded, as a result of which, the trial had been inordinately prolonged. Learned counsel has submitted that on the previous dates of hearing i.e. 17.02.2025 and 28.02.2025 before the trial Court, yet again despite issuance of non-bailable warrants, neither the complainant nor the remaining prosecution witnesses had appeared to depose before the trial Court. In support, learned counsel has produced copies of said zimni orders. The copies of said zimni orders dated 17.02.2025 and 28.02.2025 are taken on record subject to all just exceptions. It has also been submitted that the petitioner has no previous criminal antecedents. Learned counsel has submitted that in the given facts and circumstances, the petitioner cannot be made to languish in custody as the possibility of the trial concluding in the near future looks remote.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not disputed the custody period of the petitioner nor has he, on instructions, disputed the contents of the zimni orders, which have been placed on record today. However, learned State counsel has, on instructions, submitted that out of 22 witnesses cited by the prosecution, 10 have been examined, with another 07 given up, which leaves only 05 prosecution witnesses to be examined, including the complainant.

On a pointed query put to the learned State counsel, he, on instructions, has not disputed that the petitioner has no previous criminal antecedents. It has also not been disputed that the petitioner was not named in the FIR in question. However, learned State counsel has drawn the attention of this Court to the averments made in the status report dated 15.01.2025, already filed by way of affidavit of Gurdeep Singh, PPS, Deputy Superintendent of Police (Sub-Division), Zira, District Ferozepur, wherein it stands averred that the petitioner had participated in the occurrence in question and had also inflicted couple of injuries on the deceased.

I have heard learned counsel for the parties and perused the material placed on record.

The petitioner has been in custody since 20.06.2023. Admittedly, he was not named in the FIR and has no previous criminal antecedents. The trial in the case is being delayed as the prosecution witnesses, including the complainant, whose husband died in the alleged occurrence, are not appearing before the trial Court despite issuance of non-bailable warrants.

In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that

anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

March 01, 2025
sanjeev

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