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

CRM-M-37029-2024

Date of Decision: 18.02.2025

Manpreet Singh @ Bagga

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.ShekhawatPresent : Mr. Imaan Singh Khara, Advocate
for the petitioner.

Mr. A.D.S.Sukhija, Addl. Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to him in case FIR No.26 dated 18.03.2023 registered under Sections 279, 186, 506, 336 and 427 of IPC and Section 25 of Arms Act, 1959 (later on challan was presented under Sections 279, 353, 186, 506, 336 and 427 of IPC and Sections 25(2), 27 and 29 of Arms Act, 1959, at Police Station Khilchian, District Amritsar Rural, Punjab.

2. Learned counsel for the petitioner contends that the petitioner was not present at the time and place of the alleged occurrence and has been falsely involved by the police. He further contends that even the names of the occupants of all the vehicles, who were accompanying Amritpal Singh, main accused have been mentioned in the FIR. However, neither the petitioner was named in the FIR nor there was any averment in the FIR, which even remotely connected the petitioner with the commission of crime. Learned counsel further



contends that the petitioner was wrongly arrested in the present case on 15.04.2023 and is in custody for the last 01 year and 10 months. He further contends that the prosecution has not been able to examine even a single witness in the present case and the case has been delayed by the prosecution intentionally.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that three more FIRs have been ordered to be registered against the present petitioner. However, the petitioner is on bail in two cases. He further admits that no witness has been examined so far in the present case.

4. I have heard the learned counsel for the parties and perused the record.

5. No doubt, three more criminal cases have been registered against the petitioner, but the petitioner cannot be denied the concession of bail in the present case only on that ground because the petitioner has been able to make out a case for grant of bail in the peculiar facts and circumstances of the present case. The reliance can be placed on the law laid down by the Hon'ble Supreme Court in the matter of "***Prabhakar Tewari Vs. State of U.P., and another***" 2020(1) R.C.R. (Criminal) 831, wherein it has been held that the pendency of several criminal cases against the accused cannot be the basis to refuse the prayer of bail. Similar observations have been made by the Hon'ble Supreme Court in the matter of "***Maulana Mohd. Amir Rashadi Vs. State of U.P., and another***" 2012(1) R.C.R. (Criminal) 586. The petitioner was arrested in the present case on 15.04.2023 and is in custody for the last 01 year and 10 months.



Moreover, no witness has been examined so far and there are no chances of early conclusion of the trial in the present case.

6. At this stage, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

- (i) 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) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.
- (iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.
- (iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.
- (v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.
- (vi) In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.
- (vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

18.02.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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