



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
CRM-M-60102-2024
Reserved on: 20th March, 2025
Pronounced on: 25th March, 2025**

Manjeet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. R.S. Sekhon, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J :-

The instant one is third petition as filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking grant of regular bail in case bearing FIR No. 175 dated 30.08.2020 registered under Sections 302, 458, 323, 324, 325, 171, 148 and 149 of IPC and Sections 25 and 27 of Arms Act, 1959 at Police Station Khui Khera, District Fazilka. His previous petitions bearing CRM-M-43697-2023 and CRM-M-29354-2024 had been dismissed vide orders dated 21.03.2024 and 03.07.2024 respectively.

2. As per the allegations, on the night of 29.08.2020, the complainant along with his family members was sleeping in his house when at about 11:00 PM, someone knocked at the door. On peeping through the window, the mother of the complainant found the co-accused to be standing there while armed with weapons. Since the doors were not opened, the



accused broke open the window panes and entered inside. They opened an assault upon Babbar Singh, brother of the complainant and caused injuries on his person with the weapons, which they were carrying. The complainant and his family members rushed for his rescue but they too were assaulted by the assailants. Clamour raised by them, attracted Malkit Singh, uncle of the complainant who along with other neighbours reached at the spot but the assailants fled away. The victim Babbar Singh was taken to the hospital but succumbed to the injuries. After registration of FIR, investigation proceedings were initiated. Some of the accused were arrested. Investigation was subsequently conducted by a Special Investigation Team (SIT) and the present petitioner along with the co-accused Amandeep Singh and Gurwinder Singh was nominated as accused vide DDR No. 9 dated 22.01.2023, on the allegations that by hatching a conspiracy with him, the co-accused had entered the house of the complainant and had caused injuries to the victim. The petitioner was arrested on 15.05.2023. Investigation stands concluded.

3. It is argued by learned counsel for the petitioner that he was neither named in the FIR nor any specific act had been attributed to him by the complainant or any other witness either in the statement initially recorded or in supplementary statement. He was nominated as an accused two years and five months after the date of occurrence on the basis of report of SIT, which cannot be considered to be reliable at all. His arrest is politically motivated. No material has been collected to show that he had hatched any conspiracy or it was at his behest that the co-accused had killed the victim. Co-accused Gurwinder Singh, Surinder Kumar, Mahinder Singh,



Virender Singh and Amandeep, have since been extended benefit of bail. On parity, he too deserves to be released on bail. With these broad submissions, it is urged that the petition deserves to be allowed.

4. Status report has been filed by respondent-State. It is argued by learned Assistant Advocate General, Punjab that the petitioner by hatching a criminal conspiracy with the co-accused had killed the victim by causing firearm injury to victim Babbar Singh and also to the remaining injured. As per the call details of the mobile phone of the petitioner, he had been communicating with co-accused Kulwinder and Varinder at the time of occurrence. The allegations against him are serious which point out towards his complicity in the crime. Therefore, it is argued that he does not deserve to be released on bail.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. The petitioner is alleged to have hatched a conspiracy with the co-accused and in pursuance thereof, the co-accused killed the victim-Babbar Singh and caused injuries to the complainant and his family members. Some of the accused who were named in the FIR have been extended benefit of bail. The petitioner was neither named in the FIR nor any specific overt act has been attributed to him. The allegations against him are qua communicating on phone with co-accused Kulwinder and Varinder Singh at the time of occurrence. Varinder Singh-accused has already been extended benefit of bail. Without the transcript of the conversation exchanged between the co-accused and the petitioner, it is a question of debate as to whether, the mere call details can be considered to be



corroborative material against him. In the given nature of the allegations as levelled against the petitioner, the fact that he was named as an accused after 2.5 years of the occurrence on the basis of some call detail records, on parity and the attendant facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petitioner deserves to be released on bail. Hence, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

25th March, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*