



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

224

CRM-M-30811-2024

Date of decision: 27.01.2025

MANDEEP SINGH @ DEEPU @ MOTA LOHARKA

...Petitioner

V/s

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Amit Arora, Advocate, for the petitioner.

Mr.Amit Rana, Sr.DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.10 dated 10.01.2024 under Sections 307, 34 of the IPC, 1860 and Sections 25 and 27 of the Arms Act, 1959 (Section 27 of the Arms Act deleted later on and Section 427 IPC added later on) registered at Police Station City Tarn Taran, District Tarn Taran.

2. Learned counsel for the petitioner submits that the petitioner's false implication is evident from the fact that not only the eyewitnesses but even the complainant, who allegedly sustained injuries at the hands of the petitioner did not support the case of the prosecution, as a result of which he was declared hostile. A prayer has therefore been made that since all the material witnesses stand examined, further incarceration of the petitioner would serve no useful purpose as there can be no apprehension of the petitioner tampering with evidence or intimidating/influencing the witnesses. Learned counsel further submits that 13 prosecution witnesses still remain to be examined.



3. Per contra, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, has not disputed that all the material witnesses in the present case stand examined including the injured complainant, and they had been declared hostile during trial. However, learned State counsel has reiterated the allegations levelled in the FIR in question which has been annexed as Annexure P-1 and stands reproduced here in under:

*“Statement of Vishal Kumar alias Mintu, son of Kishan Lal, resident of Nanksar, Gali No. 3, Loharke Wali, Tarn Taran, aged about 34 years, Mobile No. 97794-78295. It is stated that I am resident of above mentioned address and used to do the work of DJ and on dated 08.01.2024, at about 03:30 PM, I was getting the CCTV cameras affixed outside my house and then **Mandeep Singh** alias Mota Loaharka, Gursewak Singh sons of Harjinder Singh, residents of Mohalla Nanaksar, Gali Loharka Wali, Tarn Taran came to me and stated that why you are getting the cameras affixed towards their house and on this I stated to them with respect that I have not got started the cameras as yet and in the morning whatever you will say the angle of the cameras will be affixed accordingly and thereafter both brothers went back to their house and I was sitting outside my house and thereafter Gursewak Singh his father Harjinder Singh Loharka came after about 5/7 minutes and they were armed with sticks and both of them started abusing me and also damaged my cameras. Thereafter, **Mandeep Singh** who was armed with pistol also came outside his house and with the intention to kill me fired the gunshots directly towards me out of which one gunshot hit on the knee of my left leg and second gunshot hit below the knee of my left leg and I went inside while running and closed the door and the 3rd gunshot hit on the door of my house. On hearing the loud noises, the people started gathering and all the aforesaid persons ran away from the spot. The reason behind the incident is that these persons are indulged in illegal works and their behaviour in the Mohalla is also not cordial and because of that reason I for the safety of my house was getting the cameras affixed outside*



my house but these persons were not happy with the same and because of this reason they damaged the cameras and with the intention to kill me fired gunshots upon me. Thus, the strict to strict legal action may kindly be taken against them and justice be got done with me.”

It has been contended that the petitioner had been specifically named and attributed a role in the occurrence in question by the complainant while registering the FIR in question.

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

5. The petitioner has been in custody since 10th January 2024 and the next date fixed before the trial Court is 7th February 2025 when some of the remaining 13 prosecution witnesses are likely to be examined. The trial would, therefore, take some time to conclude. Since the material witnesses stand examined and have already been declared hostile, this Court deems it fit to extend the concession of bail to the petitioner.

6. 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.

7. 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

January 27, 2025

poonam

Whether speaking/reasoned:

Whether reportable:

Yes/No

Yes/No