

CRM-M-11457-2016

Date of decision : 08.04.2016

Rajbir Singh @ Raja

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI**Present:** Mr. Inder Pal Singh, Advocate
for the petitioner.

Mr. Jashanpreet Singh, Addl.A.G, Punjab.

Petitioner has been in custody with effect from 14.12.2015 in a case registered on the basis of secret information alleging that petitioner along with two other persons were indulging in multifarious activities of snatching, robbing and smuggling of heroin and other intoxicating substances and that they were roaming in a white coloured car. Petitioner was allegedly arrested when on interception by police party an attempt was made to escape. So far as the petitioner is concerned, recovery of 16 cartridges of 12 bore guns along with a sum of Rs.1,30,000/- were recovered, from his possession.

With the assistance of learned State counsel, I have gone through the police record brought by ASI Hardeep Singh. Perusal of the police record indicates that it will certainly be a debatable issue whether the circumstances would indicate preparations for dacoity to constitute an offence punishable under Section 399 IPC. No injury having been caused to any police official, it is also disputed whether offence under Section 307 IPC is made out.

On asking of the Court, it has been informed that petitioner is not involved in any other case of similar nature.

Learned counsel for the petitioner has submitted that the petitioner is a student and the amount alleged to have been recovered was actually taken from the house of the petitioner. This amount was meant for expenses of marriage and the money has been planted by collecting the same from the house of his cousin.

Without expression of any opinion on merits, it is sufficient to observe that recovery has already been effected. The chances of tampering with the evidence are remote. Co-accused of the petitioner Harnam Singh, has been granted concession of bail.

Petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate, Tarn Taran.

(M.M.S. BEDI)
JUDGE

08.04.2016
Neha