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

CRM-M-29950 of 2016 (O&M)

Date of decision: November 07, 2016

Harpreet Singh @ Pritam

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. Nandan Jindal, Advocate for the petitioner.

Ms. Rajni Gupta, Addl. AG Punjab.

A.B. CHAUDHARI, J (Oral)

CRM No.34707 of 2016

Heard.

Application is allowed and Annexures P-3 to P-6 are taken
on record.

CRM-M-29950 of 2016

Heard learned counsel for the rival parties.

In FIR No.98 dated 16.10.2015, under Sections 307, 353,
186, 34, 148, 149 of Indian Penal Code, 1860 (for short 'IPC') and
under Sections 25, 54, 59 of Arms Act, 1959, registered at Police
Station Sadar Sunam, District Sangrur, the petitioner seeks regular
bail.

Learned State counsel vehemently opposed the petition for
bail. One of the ground for opposing bail petition is that the petitioner
indulges into similar type of offences and also of robbery and dacoity.

In one case, the petitioner has filed judgment of acquittal in relation to FIR under Sections 399, 492 IPC, which was decided on 01.03.2014. In the present case, the petitioner was arrested on 30.10.2015 and is in Jail since then.

As contended by the learned State counsel, it is true that the petitioner appears to be a hardened criminal, though has been acquitted in other cases for want of evidence before the Courts below. In so far as the present FIR is concerned, the allegations against the petitioner are serious, in as much as he was allegedly the member of a gang which had attacked the police party with fire arms when the police party had gone to raid the place where the petitioner and others were hiding. After perusal of the entire record and upon hearing the learned State counsel, I find that Fateh Singh who was arrested on the spot had fired the shot at the police party and he had disclosed the name of the present petitioner and that is only evidence with the prosecution. That is so because, according to the prosecution, petitioner had run away from the spot but then about the firing of shots at the police party, prima-facie no role is attributed to the petitioner. Therefore, in the present offence, I think for want of proper evidence, the petitioner will have to be released on bail particularly when the witnesses are official witnesses and there is no likelihood of tampering. At the same time, looking to the criminal background of the petitioner, he cannot be allowed to stay in the District Sangrur where he has a company of the criminals. Learned counsel for the petitioner

District Sangrur and will reside in District Patiala.

In that view of the matter, this petition is allowed. The petitioner be released on bail to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned. Petitioner will remove himself from the District Sangrur and will reside in District Patiala and would report to the Police Station Sadar, Patiala everyday in the evening between 6:00 P.M. To 8:00 P.M. except for the dates of appearances before the trial Court. The prosecution shall keep surveillance on the petitioner and on knowing any default, shall report to the concerned authorities including this Court for further action, if any called for. The petitioner shall not enter the District Sangrur till the trial is completed except on the dates of appearance before the trial Court. The petitioner undertakes not to apply for modification of this condition.

(A.B. CHAUDHARI)
JUDGE

November 07, 2016

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No