

CRM-M-37224-2016

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

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CRM-M-37224-2016

Date of decision : 07.11.2016

Rajneesh Singh @ Preet @ Rajneesh Kumar

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Dinesh Nagar , Advocate
for the petitioner.

Mr. Ashish Sanghi, DAG, Punjab.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.12 dated 05.02.2016 registered under Sections 307/224/148/149 IPC and under Sections 25/57 of Arms Act at Police Station-Sadar (Nawahshahr), SBS Nagar.

Brief facts of the case are that on 04.02.2016 the complainant HC Chamkaur Singh alongwith Constable Paramjit Singh had brought

accused Akul Kumar from Central Jail, Faridkot for producing him in the

Family Court, Nawansharh and after producing him in the Court again started for Central Jail, Faridkot. On the way they hired a taxi from the taxi stand Nawanshahr on the asking of the accused Akul Kumar.

Thereafter on the way accused-Akul Kumar asked to stop the taxi on the pretext that he is about to vomit when they stopped the taxi then a white colour car stopped in front of their taxi in which the petitioner alongwith three persons were present and armed with the pistols. Thereafter the petitioner along with other co-accused got freed Akul Kumar from police officials and also fired on complainant.

Learned counsel for the petitioner states that similarly situated co-accused namely Heera has been granted bail vide order dated 16.09.2016 passed in CRM-M-32323-2016 and co-accused Rajinder Singh @ Ravi @ Rajinder Kumar has been granted bail vide order dated 05.10.2016 passed in CRM-M-33923-2016 on the basis of period of custody and case of the petitioner is also commensurate.

Custody certificate has been filed by way of affidavit of Iqbal

Singh Deputy Superintendent Central Jail, Jalandhar at Kapurthala, the same is taken on record. Copy has been supplied to the opposite party.

Learned DAG states that actually the petitioner is hard-core criminal and involved in 06 other cases under Sections 379-B(1), 399 etc. of the IPC and even the NDPS Act and on this ground he opposes the grant of bail.

Learned counsel for the petitioner has relied upon the judgment passed by this Court in case titled as “*Tejinder Singh @ Teja vs. State of Punjab*” 2016 (2) law Herald 1694 to contend that all the cases mentioned in the custody certificate are pending and therefore the period of custody of the petitioner would be concurrent.

Learned DAG has sought to reopen the basis of the above-mentioned case and states that the premise on which the case of Tejinder Singh was decided is incorrect.

Learned counsel for the petitioner states that in Tejinder Singh 's

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case (supra) Tejinder Singh had approached the Supreme Court against the denial of the bail by this Court which was dismissed.

Be that as it may, in view of the decision in Tejinder Singh' case (supra), I allow bail to the petitioner to the satisfaction of CJM/Duty Magistrate Nawanshahr.

Petition stands disposed of.

November 07 , 2016
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No