

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

CRM-M-42753-2016 (O&M)
Date of decision : 06.12.2016

Harmandeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Ashish Aggarwal, Advocate for the petitioner.

Mr. Mehardeep Singh, Addl.A.G., Punjab,
assisted by ASI Jagjit Singh.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been preferred under Section 439 Cr.P.C. seeking regular bail in FIR No.6 dated 17.08.2016, registered under Sections 307 and 148 read with Section 149 of the Indian Penal Code, and Sections 25 and 27 of the Arms Act, at P.S. State Spl. Operation Cell, Amritsar.

Contends that the petitioner was not arrested from the spot. He has been named in the FIR on the basis of disclosure statement made by co-accused Gaurav Sharma and Manpreet Singh, who were arrested from the spot. The petitioner was arrested on the basis of secret information. He is not involved in any other case. He is in custody since 18.08.2016.

On the other hand, learned State counsel has opposed the instant petition. It is contended that the presence of the petitioner on the spot is established from the disclosure statement which was recorded immediately after the incident. The petitioner is a member of a gang and he

actively participated in the occurrence wherein a large number of gunshots were fired. A country-made pistol was recovered from the petitioner. However, he admits that it is a case of no injury. It is further informed that the petitioner is involved in one more FIR under the NDPS Act.

Heard.

It is a case of no injury. The petitioner was not arrested from the spot. He is in custody since 18.08.2016.

Keeping in view the above and without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

06.12.2016
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No