

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-2671 of 2017
Date of Decision: 07.02.2017

Amninder Singh @ Amrinder SinghPetitioner

VERSUS

State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Ms. Baljit Mann, Advocate
for the petitioner.
Ms. Bhavna Gupta, D.A.G., Punjab.
Ms. Rashmi Dhillon , Advocate
for complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 232 dated 22.11.2016 registered for offences punishable under Sections 307, 336, 452 read with Section 34 of Indian Penal Code (for short 'IPC') and 25 and 27 of the Arms Act, at Police Station Patran, District Patiala.

Heard.

Learned State counsel submits that allegation against the petitioner is that he fired shot at the complainant with his double barrel gun but the complainant saved himself by hiding behind bricks. It is a no injury case. The petitioner was arrested on 14.12.2016 and case is still under investigation and his co-accused is yet to be arrested.

Learned counsel for the complainant submits that earlier also two cases were registered against the petitioner. FIR No. 309 dated 16.11.2013 was registered at Police Station Patran for offences punishable

under Sections 307, 336, 506 read with Section 34 IPC and 22 of the Arms Act. Another FIR bearing No. 186 dated 18.07.2013 was also registered at Police Station Patran, District Patiala for offences punishable under Sections 452, 341, 506 read with Section 34 IPC. She also submits that petitioner was acquitted in that case.

In case bearing FIR No. 309 dated 16.11.2013, police presented cancellation report while in other case (FIR No. 186 dated 18.07.2013), petitioner was acquitted.

The mere fact that co-accused has not been arrested is no reason to keep the petitioner in custody.

In view of above but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Amninder Singh @ Amrinder Singh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

February 07, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No