

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

CRM-M No.3574 of 2017

Date of Decision: 08.02.2017

Mohd. Sehbaz @ Bazi

. . . Petitioner

Versus

State of Punjab

. . . Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Sunny K. Singla, Advocate
for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

Tejinder Singh Dhindsa, J. (Oral)

This order shall dispose of the present petition filed under Section 439 Cr.P.C praying for the benefit of regular bail to the petitioner in case FIR No.110 dated 25.06.2016, under Sections 307, 332, 353, 186, 427, 148, 149 IPC and Section 4 of the Prevention of Damage to public Property Act, 1984, registered at Police Station, City-I, Malerkotla, District Sangrur.

It may be noticed that two FIRs in question i.e. FIR No.110 as also FIR No.109 under Sections 307, 458, 436, 332, 353, 186, 427, 148, 149 IPC and Section 4 of the Prevention of Damage to public Property Act, 1984, registered at Police Station

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City-I, Malerkotla, District Sangrur came to be recorded on the same date i.e. 25.06.2016.

In so far as FIR No.110, the same was registered on the allegations that many persons had attacked the house of Director General of Police. In FIR No.109, even though the name of the present petitioner had not figured, but he was named on the disclosure statement and role attributed to the present petitioner was of throwing stones.

It has also gone uncontroverted that vide order dated 18.01.2017, passed in CRM No.M-42210 of 2016, by this Court, petitioner has already been granted regular bail in FIR No.109.

In the instant FIR No.110 dated 25.06.2016, the allegations are against unnamed persons having formed an unlawful assembly and having attacked the police party being armed with deadly weapons. Present petitioner is again sought to be implicated by recording statement of two witnesses.

Learned State counsel on instructions submits that even as per statement of such two witnesses, mere presence of the petitioner at the spot has been alleged. These two witnesses have not attributed any direct role to the petitioner of either being armed with deadly weapons or having inflicted injuries on the police party.

Petitioner has been shown to be arrested in the present case on 29.06.2016. Investigation is complete. The trial is at the very initial stage and would take time to conclude.

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In the totality of circumstances and without making any observation on merits, the present petition is allowed.

Petitioner be enlarged on bail subject to the satisfaction of the trial Court/Duty Magistrate, Sangrur.

Disposed of.

[TEJINDER SINGH DHINDSA]
JUDGE

08.02.2017
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Whether Speaking/reasoned : Yes
Whether Reportable : No