

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-41863 of 2017 (O&M)

Date of Decision: 15.11.2017

Balkaur Singh @ Balkar Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

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

SURINDER GUPTA, J.(Oral)

CRM-35476-2017

Application is allowed as prayed for.

CRM-M-41863-2017

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.108 dated 05.08.2015 registered for offences punishable under Sections 307, 353, 186, 473 read with Section 34 of Indian Penal Code (for short, "IPC"); 25/27 of the Arms Act; and 21/25 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sadar Mansa, District Mansa.

Heard.

Notice of motion.

On asking of the court, Mr. C.L. Pawar, Sr. D.A.G., Punjab, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

As per allegations in the FIR, SI Rakesh Kumar with a police party was present at bridge drain Hirewala, where a *naka* had been held. A Swift car without number was seen coming and was given signal to stop at which police party was fired upon by occupants of the car. Three persons, namely, Jugraj Singh @ Raju, Ramandeep Singh @ Rimi and Amarinder Singh @ Sonu were arrested by the police while one person, who was later identified as Balkaur Singh (petitioner), succeeded in running away from the spot. From possession of Jugraj Singh @ Raju, Ramandeep Singh @ Rimi and Amarinder Singh @ Sonu, arms and ammunition and 1 kg. of heroin, which was kept in dashboard of the car, was recovered.

Learned counsel for the petitioner submits that the police during enquiry found Jugraj Singh @ Raju and Amarinder Singh @ Sonu as innocent while Ramandeep Singh @ Rimi is in custody. The petitioner was arrested in another case and was later arrested on 02.09.2016 in this case as well. No recovery of weapon or any contraband was effected from him.

Learned State counsel submits that after the occurrence in this case, the petitioner was involved in four other cases. He was arrested in another case on 21.07.2016 and recovery of revolver was effected from him and later he was taken into custody on 02.09.2016 in this case. Registration of so many FIRs against the petitioner show that he is a man with adverse antecedents.

In the present case, the petitioner was not arrested at the spot and no recovery of any weapon or contraband has been effected from his possession. For the recovery of revolver a separate case has been registered against him. The police has also found two persons named in the FIR as innocent.

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-Balkaur Singh @ Balkar 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.

November 15, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No