

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

CRM-M No.7401 of 2017

Date of Decision: 10.03.2017

GURPINDER SINGH

-PETITIONER

VS

STATE OF PUNJAB

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. J.P.S. Sarao, Advocate
for the petitioner.

Mr. Shilesh Gupta, Additional A.G., Punjab.

RAJ MOHAN SINGH, J. (ORAL)

Petitioner seeks regular bail in case bearing FIR No.33 dated 29.03.2016 under Sections 307, 353, 186, 323, 223, 224, 148, 149 IPC (Sections 212/216 IPC added later on) and Section 25-27 of the Arms Act registered at Police Station Kotwali Nabha, District Patiala.

The allegations are that one Palwinder Singh @ Bhinda was taken to Civil Hospital, Nabha for medical checkup under the security of police party. 4-5 unknown persons came and attacked the police party in order to get him released. They were successful in releasing Palwinder Singh @ Bhinda. Constable Deep Chand received fire arm injury in the incident.

During investigation of the case, Palwinder Singh @

Bhinda was arrested and he nominated Gurpreet Singh @ Chacha and Bikkar Singh in the present case. The aforesaid two persons remained in police custody from 14.12.2016 to 20.12.2016 and despite the police remand, they did not nominate any other person. However, on 20.12.2016, further police remand was obtained upto 22.12.2016. On 21.12.2016, they suffered disclosure statement whereby petitioner was nominated for the offence under Sections 212/216 IPC.

Learned counsel for the petitioner submitted that the petitioner is accused of bailable offence and has been nominated only on the disclosure statement of co-accused which is squarely hit by Section 25 of the Evidence Act.

No recovery has been effected from the petitioner.

Co-accused Rajwinder Singh @ Laatu was found innocent as per zimni number 76 dated 08.02.2017 and he was already granted regular bail by this Court in **CRM-M No.4559 of 2017** on 16.02.2017.

Allegation against the petitioner is of harbouring which is cognizable and bailable.

At this stage, without embarking upon merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, the petitioner is ordered to be

released on bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

10.03.2017
jjyoti Y.

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No