

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

**CRM-M-17228-2018**

Date of Decision:08.05.2018

Dharminder Singh

....Petitioner

Vs.

State of Punjab

....Respondent

**CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH**

Present: Ms.Arshdeep Kaur, Advocate,  
for the petitioner.

Mr. J.S.Walia, Senior Deputy Advocate General, Punjab assisted  
by ASI Chamkor Singh.

**AMOL RATTAN SINGH, J. (Oral)**

As regards the order dated 01.05.2018, learned State counsel has produced in Court today an endorsement shown to be issued from the District Magistrate, Moga, to the effect that Licence no.DM/MOGA/PS City Moga-1/Dec-2009, ID No.23880, in respect of .315 bore rifle bearing no.A-B04-6813, was issued in the name of the petitioner, with learned State counsel reiterating on instructions from ASI Chamkor Singh, that it was the said rifle which was recovered from the spot.

Learned counsel for the petitioner, while reiterating that the petitioner not having been apprehended at the spot, he is entitled to the concession of bail, he further submits that accused Arshdeep Singh alias Bittu, Gurpreet Singh alias Gori and Beant Singh, who were specifically named in the FIR, with the petitioner not named, have already been admitted to bail by the learned JMIC, Jagraon, as the report under Section 173(2) Cr.P.C. was not submitted, in terms of Section 167(2) Cr.P.C.

That being so, and the petitioner not having been named in the FIR, without making any comment whatsoever with regard to his role in the alleged occurrence, this petition is allowed and he is ordered to be admitted to bail, upon his furnishing adequate bail and surety bonds to the satisfaction of the trial Court, which would obviously go into the issue of whether the gun stated to have been recovered (as per the case of the prosecution), from the spot, belongs to the petitioner or not, (if it was actually so recovered as contended by the prosecution).

Naturally, the aforesaid finding would also be on the basis of evidence led on both sides.

Disposed of.

**May 08, 2018**

dharamvir

**(AMOL RATTAN SINGH)**  
**JUDGE**

Whether speaking/reasoned : YES/NO  
Whether Reportable : YES/NO