

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

CRM-M-17978-2018

Date of decision:-1.6.2018

Harvinder Singh @ Harbhajan Singh @ Bhajan Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.G.S. Sidhu, Advocate
for the petitioner.

Mr.Saurav Khurana, DAG, Punjab.

H.S. MADAAN, J.

This petition for regular bail has been filed by petitioner - Harvinder Singh @ Harbhajan Singh @ Bhajan Singh – an accused in FIR No.40 dated 29.7.2015, under Sections 307/34 IPC read with Section 25 of Arms Act, registered at Police Station Sanour, Patiala.

Briefly stated, facts of the case as per prosecution story are that on 29.7.2015 at about 9:30 p.m. complainant – Harbans Singh @ Bhola son of Karnail Singh was returning from Patiala to his house at Sanour travelling in a Bolero vehicle bearing registration No.PB-11-BD-3200 belonging to his friend Ravinder Singh @ Doctor and when he turned the vehicle towards Chaura Road from Sanour Bus Stand, then

petitioner Harvinder Singh @ Harbhajan Singh @ Bhajan Singh along with Gurupukar Singh @ Golu, Gurupdesb Singh @ Goraa and Yadvinder Singh @ Yadu was standing there; that Gurupkar Singh @ Golu, Gurupdesb Singh @ Gora and Yadvinder Singh @ Yadu were having pistols in their hands; that Harvinder Singh @ Harbhajan Singh @ Bhajan Singh signalled to stop the vehicle; that the complainant made a sudden cut and sped away the vehicle; that the miscreants aforesaid chased that Bolero vehicle of complainant in their Figo car of white colour and fired three shots with an intention to kill the complainant, however, the complainant had miraculous escape. Formal FIR was registered. Accused were arrested. The petitioner had moved an application for regular bail but the same was declined by Additional Sessions Judge, Patiala vide order dated 12.4.2018, as such, he has approached this Court with same request.

Notice of the petition was given to respondent – State and counsel representing the State puts in appearance.

I have heard learned counsel for the parties besides going through the record.

The petitioner is specifically named in the FIR and as per the prosecution story, he along with his co-accused had intercepted the Bolero vehicle in which the complainant was travelling. His co-accused had fired shots at the complainant, however, he was lucky enough to escape. It may be mentioned here that Gurupukar Singh @ Golu, Yadvinder Singh @ Yadu and the present petitioner Harvinder Singh @ Harbhajan Singh @ Bhajan Singh were declared proclaimed offenders by Judicial Magistrate Ist Class, Patiala vide order dated 8.2.2016. Later on Yadvinder Singh @

Yadu was arrested and he was sent up to face trial. The present petitioner had applied for pre-arrest bail but was unsuccessful. He had been arrested in case FIR No.240 dated 3.8.2015, under Sections 307, 452, 323, 427, 506, 120-B IPC,P.S. Tripuri and was lodged in Central Jail, Patiala from where after obtaining his production warrants, he was arrested in this case on 2.2.2018 and supplementary challan against him was filed in the Court of Illaqa Magistrate, in that way the petitioner being an absconder, who could be arrested with great difficulty cannot be relied upon to appear in the Court regularly and there was genuine apprehension of his absconding and trying to tamper with the prosecution evidence, if granted bail. As per the custody certificate filed by the State, besides this case, the petitioner is involved in two more criminal cases, details of which are as under:

1. FIR No.240 dated 3.8.2015, under Sections 307, 452, 323, 427, 506 IPC and 25 of Arms Act, P.S. Tripuri, Patiala.
2. FIR No.504/2013,under Section 420 IPC,P.S. Tripuri Patiala.

It shows that the petitioner has got a criminal past. As stated by the State counsel, the trial against the petitioner is going on, which is likely to be concluded in the near future. The guilt of the petitioner shall be determined during the trial. No case for grant of regular bail is made out.

Finding no merit in the petition, the same stands dismissed.

1.6.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No