

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

209

CRM-M No.19848 of 2018

Date of Decision: May 15th, 2018

Tarlochan Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Ms. Sheena Khanna and Mr. Charanjit Singh, Advocates
for the petitioner.

Mr. Dhruv Dayal, Senior Deputy Advocate General, Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this petition is for grant of regular bail by filing the present petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.25 dated 02.02.2018 registered at Police Station Sadar, Phagwara, District Kapurthala, under Sections 307, 342, 336, 457, 380, 447, 506, 148, 149 IPC and Sections 25 and 27 of the Arms Act.

Counsel for the petitioner contends that the petitioner is a 72 years old man and has been falsely implicated in the case. She contends that as per the allegations, petitioner along with some persons, had entered the premises and started firing gunshots in the air. Some other persons also fired some gunshots towards the complainant with an intention to kill him. It is contended that the petitioner, as per the allegations, has not caused any injury to the nephew of the complainant, namely Amanpreet Singh. The articles which are alleged to have been stolen have not been found in possession of the petitioner. Challan has been presented but the trial is not likely to conclude in near future and, therefore, the petitioner be granted the benefit of bail.

Counsel for the State, on instructions from ASI Pargat Singh,

Police Station Sadar, Phagwara, District Kapurthala, could not dispute the assertions as made by the counsel for the petitioner. He, however, contends that the petitioner is a Non-Resident Indian and has come back from Canada and on coming back, he has committed the said offence along with others and it was the petitioner, who was leading the group and it was for the benefit of the petitioner himself that this offence has been committed. He asserts that there is every apprehension that the petitioner, after getting a bail order from this Court, may abscond as he is resident of Canada. He, therefore, prays that the present petition be not allowed.

Having heard the counsel for the parties and keeping in view the facts and circumstances of the present case, especially the fact that no injury has been attributed to the petitioner and the challan has been presented with 17 witnesses cited but charge having not been framed, the trial not likely to conclude in near future, petitioner is aged 70 years and, therefore, detention of petitioner in custody would not serve any real purpose, the present petition is allowed.

Petitioner is directed to be released on bail to the satisfaction of the trial Court.

Petitioner shall deposit his passport with the Court below and shall not leave the country without permission of the Court.

May 15th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No