

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

**CRM-M No.32839 of 2018
Date of decision : 13.09.2018**

Harjinder Singh alias Jindee and another

.....Petitioners

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Vivek Salathia, Advocate for the petitioners.

Ms. Rashmi Attri, AAG, Punjab.

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DAYA CHAUDHARY, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to petitioners Harjinder Singh alias Jindee and Sarwan Singh in case FIR No.68 dated 18.05.2018 under Sections 307, 379, 353, 186, 225, 506, 279, 148, 149 of the Indian Penal Code, 1860 (for short – IPC) and Section 21(1) of the Mines and Minerals Act, 1957, registered at Police Station Beas, Amritsar Rural.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the case, whereas they were not involved. Even as per the allegations in the FIR, no offence under Section 307 IPC is made out. It has been alleged in the FIR that accused persons were asked to stop the tractor and instead of stopping it, the driver tried to run over the police party with intention to kill. Learned counsel further submits that the

recovery has already been effected and challan has been presented in the Court. Petitioners are in custody since 18.05.2018 and no purpose would be served by keeping them in custody.

Learned State counsel has not disputed the custody period undergone by the petitioners and also the stage of the trial. However, she opposed the submissions made by learned counsel for the petitioners on the ground that the intention of the petitioners was such that they had not only tried to avoid their arrest but tried to cause injury to the police officials, however they saved themselves.

Heard arguments of learned counsel for the petitioners as well as learned State counsel. I have also perused the contents of the FIR and other documents available on record.

By considering that the petitioners are in custody since 18.05.2018 and keeping in view the fact that there is no other case against them, challan has been presented and there is no possibility that the petitioners may influence the prosecution witnesses as all the prosecution witnesses are police officials and recovery has already been effected, no purpose would be served by keeping them in custody, present petition is allowed and the petitioners are directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court.

13.09.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No