

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-50811 of 2018

Date of Decision: 26.11.2018

Harwinder Singh @ Bhinda

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. H.S. Maan, Advocate
for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.126 dated 15.12.2017 under Sections 307, 343, 473, 412, 186, 148, 149 IPC and Section 25 of the Arms Act, 1959 registered at Police Station Kotfatta, District Bathinda.

Learned counsel for the petitioner has argued that the present FIR was registered on the statement of ASI Harjiwan Singh, CIA Staff, Bathinda. The allegation against the petitioner is that he had fired at the police party consisting of 12 personnel in a Bolero vehicle, but interestingly, no injury was caused to any police personnel and there is no

fire shot on the Scorpio vehicle in which the petitioner and co-accused Gurvinder Singh were travelling. Even no empty cartridge has been recovered so as to justify that the petitioner has caused any injury. The petitioner is in custody for the last about 11 months.

On the other hand, learned State counsel, on instructions from ASI Jagdeep Singh, has argued that the accused were in two vehicles i.e. Scorpio and Fortuner. The petitioner along with Gurvinder Singh was in Scorpio vehicle whereas the other accused Amrit Pal Singh, Manpreet Singh and Prabhdeep Singh were in Fortuner vehicle. Manpreet and Prabhdeep Singh had died in this incident. He further submits that recovery of .315 bore pistol, 2 empty cartridges and 4 live cartridges have been made from the petitioner and therefore, involvement of the petitioner is fully established. He further submits that the petitioner is an accused in as many as nine FIRs, including the present one. He has produced a list of cases registered against the petitioner, which read as under:-

- “1. Case No.280 dated 31.06.2015 under Sections 395, 452, 397, 120-B IPC and Section 27 Arms Act, Police Station Piliwanga, District Hanumangarh.
2. Case No.146 dated 2.7.2015 under Sections 395, 397, 459, 332, 353, 342, 440, 420, 147, 148, 149 IPC, Sections 3/25, 27 Arms Act, Police Station Bajju, District Bikaner, Rajasthan.
3. Case No.147, 2-7-15 under Sections 307, 353, 225-B 427 IPC and Sections 3/25, 27 Arms Act, Police Station Bajju, District Bikaner, Rajasthan.
4. Case No.416/2013 under Section 25 Arms Act, Police Station Chandpur, District Bijnaur, U.P.
5. Case No.141/2016 under Section 3(1) Gangster Act, Police Station Chandpur, District Bijnaur, U.P.

6. *Case No.910/2014 under Section 392 IPC, Police Station Chandpur, District Bijnaur, U.P.*
7. *Case No.732 dated 13-11-2017 under Section 382 IPC, Police Station Hanumangarh Town.*
8. *Case No.126 dated 15.12.2017 under Sections 307, 353, 186, 148, 149 IPC, Police Station Kotfatta.*
9. *Case No.316 dated 15.12.2017 under Sections 392, 341, 148, 149 IPC and Sections 25, 27/54/59 Arms Act, Police Station Nathana.”*

Having heard learned counsel for the petitioner and considering the fact that recovery of .315 bore pistol, 2 empty cartridges and 4 live cartridges have been made from the petitioner apart from his involvement in eight more cases of similar nature, details of which is given above, this Court is not inclined to grant regular bail to the petitioner.

Accordingly, the present petition is dismissed.

November 26, 2018
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No