IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-7635-2018 (O&M)
Date of Decision:-27.9.2018

Manjinder Singh … Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Farid Singh Virk, Advocate for the petitioner.

Mr. A.S. Sandhu, Additional Advocate General, Punjab.

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GURVINDER SINGH GILL, J. (Oral)

By way of filing this petition, the petitioner Manjinder Singh seeks grant of regular bail in respect of a case registered against him vide FIR No.195 dated 1.10.2016 under Sections 307, 353, 186 of Indian Penal Code, 1860 (Sections 411 and 483 IPC were added later on), Section 25 of Arms Act, 1959 and under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Patran, District Patiala.

The allegations, in nutshell, are that on 1.10.2016, when a policy party had raised barricades in the area of village Hamjheri, Patran then a Swift car bearing registration No.HR-51AT-9101 came there, in which five persons were sitting. Although, the said car was signalled to stop but instead of stopping the car, the driver of the car tried to run the car over the police party with an intention to kill them. However, the police officials managed to save themselves by jumping out of the way and the car hit into the barricades. It is further alleged that the occupants of the car also started

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firing at the police party with their respective weapons. The police, however, managed to intercept the vehicle, the occupants, after alighting from the vehicle ran in different directions, while firing upon the police party. While three of the said occupants were apprehended by the police, two managed to escape under the cover of darkness. The three persons, who were apprehended, disclosed their names as Manjit Singh, Gurmukh Singh @ Bita and Gurbaj Singh @ Baj. Upon interrogation, they disclosed the names of the persons, who had escaped as Gagandeep Singh @ Gaggu and Manjinder Singh. It is further the case of the prosecution that the search of Manjit Singh led to recovery of a .315 bore country made pistol alongwith live cartridges. The search of Gurmukh Singh @ Bita also led to recovery of an identical pistol and Gurbaj Singh @ Baj was found to be carrying a *'Kirpan'*. The search of the car in question led to recovery of 200 grams of an intoxicating powder, which subsequently upon chemical analysis was found to be 'Diphenoxylate Hydrochloride' .

Notice of this petition was issued to the State.

The learned State counsel has opposed the same.

The learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that he was never arrrested at the spot and is sought to be implicated on the alleged disclosure statement made by co-accused.

On the other hand, the learned State counsel has submitted that the present petitioner was arrested on the day of occurrence later in the day after his indentity was disclosed by the co-accused. It has further been submitted by the learned State counsel that infact the petitioner is involved

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in several other cases and is a habitual offender and in these circumstances, the petitioner does not deserve the concession of bail.

Having considered the rival submission addressed before this Court and also bearing in mind the fact that the petitioner was not arrested at the spot and has been behind bars since the last about 2 years, in my opinion, it is a fit case where the concession of bail can be extended to the petitioner. The petition, as such, is accepted. The petitioner Manjinder Singh is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, Patiala.

However, in case the petitioner Manjinder Singh indulges in any activity akin to one for which he has been convicted, while on bail, the prosecution agency will be at liberty to seek the cancellation of the order granting bail to the petitioner Manjinder Singh.

This present petition stands accepted in above mentioned terms.

27.9.2018 **(Gurvinder Singh Gill)**
pankaj **Judge**

Whether speaking /reasoned Yes / No
Whether Reportable Yes / No

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