

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

207

**CRM-M No.796 of 2019 (O&M)
Date of Decision : 23.1.2019**

Harpal Singh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Veneet Sharma, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.197 dated 19.9.2018, registered under Sections 307, 323, 324, 427, 148 and 149 IPC and Sections 25 and 27 of Arms Act, 1959 at Police Station Ajnala, Amritsar Rural, District Amritsar.

Learned counsel for the petitioner has argued that a clash had taken place between the workers of Congress Party and the Akali party during the elections of Block Samiti and Zila Parishad and the petitioner was even not named in the FIR. On the other hand, Senior DAG has argued that a perusal of the FIR shows that the incident had unfolded in the presence of the police and the petitioner was arrested from the spot.

Counsel for the petitioner has argued that neither there is any

evidence that petitioner has fired any shot nor any recovery was made from him and even if the petitioner was present on that spot on election day it cannot said that he was guilty.

Custody certificate dated 23.1.2019 by way of affidavit of Hemant Sharma, PPS, Deputy Superintendent Central Jail, Amritsar has been filed on behalf of the respondent-State, the same is taken on record. Copy has been supplied to the opposite counsel. As per the custody certificate the petitioner has undergone custody for a period of 4 months and otherwise his record is clean.

Learned Senior DAG is not in a position to deny these factual assertions.

In the circumstances, keeping in view the above facts and the period of incarceration already suffered by the petitioner, without going into the merits of the case, I deem it appropriate to grant regular bail to the petitioner. Ordered accordingly. Bail to the satisfaction of concerned trial Court/Duty Magistrate.

Petition stands allowed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

23.1.2019
anuradha

(**AJAY TEWARI**)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No