

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11246-2019

Date of decision: 12.09.2019

Jasvir Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Ashish Bakshi, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.124 dated 22.06.2016 under Sections 307, 482, 411 IPC and Sections 25/54 of Arms Act, registered at Police Station Phillaur, District Jalandhar Rural.

Learned counsel for the petitioner submits that as per allegations in the FIR, the police party received a secret information that two Bolero Pickup vehicles are coming towards Phillaur side, after committing the theft of buffaloes. Upon which, the police party laid a barrier and on seeing the vehicles, Constable Nirmal Singh gave a signal to stop but driver of the vehicle tried to kill him. In this process, vehicle was over-turned and out of six persons sitting in the vehicle, one person fired two rounds of shots on the police party. In retaliation, Constable Palwinder Singh also fired three rounds and in the meantime, all the accused persons ran away from the spot, leaving the stolen

buffaloes and the vehicles. It is further submitted that the challan has already been presented and there is no sanction of the District Magistrate regarding the alleged vehicles. Learned counsel further submits that also, there is no report of the Armour that the country made pistol was in working condition.

Learned counsel for the petitioner has further submitted that out of 23 prosecution witnesses, none has been examined so far. It is further submitted that it is a case of no injury and only on the intention, Section 307 IPC has been invoked, which is to be proved by the prosecution during the course of trial. It is also submitted that the petitioner is in custody since 24.06.2016.

Learned State counsel, on instructions from ASI Kewal Singh and on the basis of affidavit of SHO, Police Station Phillaur, District Jalandhar Rural, has however submitted that the petitioner is involved in number of cases, out of which, in some of the cases, he stands convicted and in some of the cases, he was acquitted.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody since 24.06.2016 and despite of lapse of about 03 years, till date not even a single prosecution witness has been examined, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

12.09.2019
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No