

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

CRM-M-12309-2019 (O&M)

Date of decision:17.7.2019

GURMUKH SINGH @ BITTA

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Jagmeet Singh Moudgill, Advocate
 for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

GURVINDER SINGH GILL, J. (ORAL)

1. By way of filing this petition, the petitioner 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.

2. The allegations, in nutshell, are that on 1.10.2016, when a police 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 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 @ Bitra 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 @ Bitra 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'.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that in any case since an identically situated co-accused namely Gurbaz Singh @ Baz has already been granted bail, the petitioner deserves the concession of bail on the ground of parity.
4. Opposing the petition, learned State counsel has informed that the petitioner is specifically named in the FIR and that since he was arrested at the spot, no case for grant of regular bail is made out.
5. It has however been informed that although 33 PWs have been cited but only 4 PWs have been examined till date. As per the custody certificate filed today in Court, the petitioner has also undergone 2 years & 9 months.
6. Having regard to the aforesaid facts and circumstances of the case especially that the petitioner has been behind bars since last more than 2 years & 9 months and that the trial is proceeding at the snail's pace inasmuch as only 4 PWs out of cited 33 PWs have been examined, in my opinion, further detention of the petitioner is not justified. Although, the petitioner is stated to be involved in several other cases but the present case is a case where nobody was injured and none of the police party has sustained any injury although allegations have been levelled that the accused had fired on the police party from their respective weapons. The petition, as such is

accepted and petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned. The present petition stands accepted accordingly.

(GURVINDER SINGH GILL)
JUDGE

17.7.2019
Gaurav Sorot

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No