

CRM-M-13357-2019 (O&M)

Date of decision:02.05.2019

Harpreet Singh @ Happy

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Mohd. Yousaf, Advocate
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

RAJBIR SEHRAWAT, J. (ORAL)

Prayer in this petition filed under Section 439 of Cr.P.C. is for grant of bail pending trial in case FIR No.113 dated 17.10.2018 under Sections 399, 402 of IPC and Section 25 of Arms Act, 1959 (Sections 392, 402, & 411 of IPC added later on), registered at Police Station Lambra District Jalandhar.

Learned counsel for the petitioner contends that the only allegation in the present petition is qua alleged planning of a conspiracy to make a dacoity. However, on the allegation of conspiracy, no further act qua commission of actual offence of dacoity is even alleged by the prosecution. It is further submitted that although the recovery of a country made pistol is alleged against the petitioner, however, that recovery is wrongly fasted upon by the police. In any case, the petitioner is facing the trial and challan has already been filed in the case. Therefore, the petitioner is not required for any investigation purposes. Upon good credence of the petitioner, counsel for the petitioner has also submitted that there is no other case of any kind against the petitioner.

On the other hand, learned State counsel, being instructed by ASI Kulwinder Singh, submits that the petitioner was involved in a heinous crime of conspiracy to commit dacoity. However, it is not disputed that there is no other case against the petitioner.

In view of the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

02.05.2019

Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No