

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

CRM-M-16683-2019

Date of decision:12.07.2019

AMANDEEP SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. G.B.S. Dhillon, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

GURVINDER SINGH GILL, J. (ORAL)

1. Petitioner Amandeep Singh has filed this petition seeking grant of regular bail in respect of a case registered against him vide FIR No.206 dated 5.12.2017, Police Station City, Roopnagar initially in respect of offence punishable under Sections 323, 341, 506 read with Section 34 IPC wherein Section 307 IPC and Sections 21 and 22 NDPS Act were added later on.
2. The allegations, in nutshell, are that on the day of occurrence, the petitioner along with his co-accused waylaid the complainant and gave severe beatings to him. Consequently, the aforesaid FIR was lodged for offence under Sections 323, 341, 506 read with Section 34 IPC. On the next day i.e. on 6.12.2017, the police recorded a supplementary statements of the complainant wherein he stated that the Parminder Singh who was driving the car, by reversing the car once had tried to run over the complainant with an intention to kill

him. Consequently, offence under Section 307 IPC was added.

3. It is further the case of the prosecution that after all the three accused had been arrested on 6.12.2017 and were interrogated, they made a disclosure statement to the effect that they had consumed intoxicant one day prior to their arrest and after consuming the same they had concealed the remnant intoxicant in bushes. It is further case of the prosecution that pursuant to the aforesaid disclosure statement they led the police to the nominated place and got recovered polythene bag containing 100 grams of Alprazolam.
4. Learned counsel for the petitioner has submitted that the manner in which Section 307 IPC has been added on the basis of supplementary statement recorded one day after lodging FIR and also the manner in which they have been implicated for offences under Sections 21 & 22 NDPS Act wherein all the three have been shown to have made disclosure statements regarding having concealed 100 grams of Alprazolam, clearly shows that that police is all out to ensure that accused be thrown behind bars and have left no stone unturned by adding Section 307 IPC and also by adding Sections 21 & 22 NDPS Act. It is further submitted that in any case the petitioner deserves bail on the ground of parity as co-accused/Parminder Singh has already been granted bail vide order dated 16.10.2018.
5. Opposing the application, learned State counsel has submitted that there are serious allegations pertaining to attempt to murder as well as it is a case where the accused were found in possession of

contraband. It is further submitted that the petitioner is involved in two other criminal cases. It is also informed that till today only 2 out of 12 cited PWs have been examined, although the petitioner has been behind bars since the last 1 year & 7 months.

6. Having regard to the abovesaid facts & circumstances and without commenting on the merits of the case and while also noticing that it would certainly be a debatable issue as to whether the recovery of 100 grams of Alprazolam falls within the commercial quantity or not and bearing in mind the fact that the petitioner has been behind bars since the last more than 1 year & 7 months and that only 2 out of 12 cited PWs have been examined so far, in my opinion, no useful purpose would be served by further detaining the petitioner behind bars since the conclusion of trial, in its normal course, is likely to take some time. The petition, as such, is accepted. Petitioner 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, concerned.
7. It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

(GURVINDER SINGH GILL)
JUDGE

12.07.2019
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No