

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

CRM-M No. 27699 of 2019
Date of Decision : 19.08.2019

Sukhmanpreet SinghPetitioner

Versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Deepak Aggarwal, Advocate for the petitioner.

Mr.K.S.Aulakh, DAG, Punjab.

RAJBIR SEHRAWAT, J. (Oral)

Present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of bail pending trial in FIR No. 89 dated 19.05.2019 under Sections 307/148/149 IPC, Sections 25 and 27 of Arms Act, 1959 and Sections 130/131/171 of Representation of People Act, 1951 and 1988, registered at Police Station Canal Colony, District Bathinda.

It is contended by learned counsel for the petitioner that the petitioner has been wrongly involved in the present case for political reasons. Otherwise no incident, as alleged in the FIR, ever happened. Although the police have fabricated alleged recovery of weapon from the petitioner, however, even as per the case of the police no body has been injured in the incident involved in this case. Therefore, at the worst this can be a case of illegal use of arms. The ingredients of Section 307 IPC are, prima facie, not made out in this case. It is further submitted that the petitioner is in custody since 19.05.2019. Challan has already been

presented before the Court and the petitioner is not required for any investigation purposes. No other case is pending against the petitioner.

On the other hand, learned State counsel , being instructed by ASI Iqbal Singh, submits that illegal weapon has been recovered from the petitioner. The petitioner has been involved in making an attempt to disrupt the democratic process of election. Therefore, he has committed a serious offence. However, it is not disputed that in this incident no injury was sustained by any person, muchless to speak of any injury inviting Section 307 IPC. It is also not disputed that there is no other case pending against the petitioner.

In view of the above, but without commenting upon the merits of the case, the present petition is allowed. Petitioner is granted the concession of bail pending trial. He be released on bail pending trial on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

(RAJBIR SEHRAWAT)
JUDGE

19.08.2019
sunita

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No