

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

**CRM-M-28850-2019
Date of decision: 14.11.2019**

Kanwalpreet Singh @ Kanwal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. A. P. S. Rehan, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 229 dated 13.10.2018, registered under Sections 307, 353, 186, 332, 333, 427, 34 of the IPC (Sections 120-B, 473, 411 and 201 of the IPC added later on) and Section 25 of the Arms Act, 1959 at Police Station Civil Lines Batala, Police District Batala, District Gurdaspur.

Learned counsel for the petitioner submits that as per the allegations in the FIR, on 13.10.2018, co-accused Jodhbir Singh and Gursewak Singh @ Sewak had snatched a Toyota Innova car from a Toyota Showroom at Amritsar and driven the same towards Batala. When this information was flashed by the police, DSP Varinderpreet Singh, along with his police party, chased the snatched car and in that process, co-accused Jodhbir Singh, who was driving the said car, instead of stopping it, rammed his car into the official vehicle of DSP Varinderpreet Singh, which resulted into causing multiple injuries to DSP and other officials.

Learned counsel for the petitioner further submits that as per further allegations in the FIR, co-accused of the petitioner then tried to run away from the spot by firing at DSP and other officials, however, co-accused Jodhbir Singh could not succeed and was apprehended, whereas co-accused Gursewak Singh @ Sewak succeeded in running away. Later on, on the disclosure of co-accused Jodhbir Singh, the name of the petitioner and another co-accused Nirmal Singh @ Nima surfaced in the case and on their arrest, on the basis of their disclosure statement, it came that they had purchased a country made pistol from co-accused Balbir Singh @ Bir.

Learned counsel for the petitioner further submits that the petitioner is in judicial custody since 31.10.2018 and conclusion of the trial is likely to take a long time.

It is further submitted that co-accused Nirmal Singh @ Nima has already been granted concession of regular bail, vide order dated 28.05.2019 passed in CRM-M-21651-2019 and similarly co-accused Balbir Singh @ Bir has also been granted regular bail, vide order dated 05.03.2019 passed in CRM-M-9125-2019.

Learned counsel for the petitioner further submits that the case of the petitioner is on similar footing with the aforesaid co-accused who have already been granted regular bail and the petitioner was not found at the spot and was named on the disclosure statement.

Learned State counsel, on instructions from ASI Harpal Singh, submits that after the arrest of the petitioner, one country made pistol along with three live cartridges were recovered from him and on that account, he is involved in another FIR.

Learned State counsel further submits that though the *challan*

stands presented before the Court, however, the charges are yet to be framed.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in judicial custody for more than one year and the case is still at the stage of framing charge and also in view of the fact that two similarly situated co-accused have already been granted concession of regular bail as noticed above, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail bonds and two sureties to the satisfaction of the trial Court/Duty Magistrate concerned.

14.11.2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No