

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33993-2019

Date of Decision: 29.10.2019

Abhay Singh alias Kala and others

.....Petitioners

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. R..S. Sihota, Senior Advocate, with
Mr. HPS Ishar, Advocate, for the petitioners.

Mr. Surender Singh, A.A.G., Haryana.

AMOL RATTAN SINGH, J. (ORAL)

Pursuant to the order dated 27.08.2019, the custody certificates in respect of the three petitioners have been filed in Court today by learned State counsel, copies of which have been given to learned counsel for the petitioners.

A perusal thereof shows that there are other criminal cases also registered against all the petitioners, one of them being a case common to all of them, i.e. FIR No. 84 dated 20.03.2019, alleging therein the commission of offences punishable under Section 307 and 386 read with Section 34 of the IPC, as also under Section 25 of the Arms Act.

Learned Senior Counsel appearing for the petitioners submits that the petitioners have been named in the said FIR on a disclosure statement allegedly made by them after they were arrested in connection with the FIR in question, which again is an FIR registered only on the basis of secret information received, with no injury shown to be caused to anybody.

Other than that, the FIRs registered against two of the petitioners, i.e.

Abhay Singh @ Kala and Dharmender are seen to be in respect of offences

punishable under Sections 323 and Section 379 of the IPC respectively (different FIRs in respect of each of the petitioners); there being no other FIR registered against petitioner Ravinder alias Ravi, other than FIR No. 84 of 2019, in which all the petitioners are all stated to have been named as accused after the FIR presently in question (FIR No. 95 of 28.03.219), was registered against them.

Further, as regards FIR No. 306 of 2018, registered against petitioner Abhay Singh @ Kala, Mr. Sihota points to the order of the learned Additional Sessions Judge dated 23.01.2019 (copy Annexure P-2), wherein also it has been noticed that it was not a case of fire arm injuries received by any police official in the team headed by one Head Constable, with no independent person joined in police proceedings.

That being so, without making any comment on the actual merits of the case for or against the petitioners, obviously there being no recording of the incident as is alleged to have occurred in which the petitioners are alleged to have threatened the police party that reached there on the basis of 'secret information' stated to have been received, and the other FIRs registered against petitioner no. 1 Abhay Singh @ Kala and petitioner no. 2 Dharmender being of "petty offences", in respect of which also no comment is being made by this Court, they now having been in custody since 28.03.2019, with the trial no where near conclusion as yet, the petition is allowed. The petitioners shall be admitted to bail upon them furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial Court.

October 29, 2019
nitin

Whether speaking/reasoned
Whether Reportable

(AMOL RATTAN SINGH)
JUDGE

Yes/No
Yes/No.