

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

**Crl. Misc. No. M-37074 of 2019 (O&M)
Date of Decision: December 04, 2019**

Sonu SinghPETITIONER

VERSUS

State of PunjabRESPONDENT

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Rajat Garg, Advocate for
Mr. Abhishek Singla, Advocate
for the petitioner.

Mr. Rakeshinder Singh Sidhu, A.A.G, Punjab.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.106 dated 18.08.2018 registered for the offences punishable under Sections 225, 307 IPC read with Section 34 IPC and Sections 25, 27 of Arms Act, 1959 and (Sections 333, 186, 201 IPC were added later on) at Police Station Ghall Khurd, District Ferozepur.

As per case of the prosecution, the police party had gone to Ferozepur to produce accused Harbhajan Singh, lodged in Nabha Jail in a criminal case, which was adjourned to 24.08.2018. The police party proceeded from Ferozepur to Nabha and halted at Sardar Dhaba near twin canal of Ghall Khurd to have meals. After about 10 minutes, two unidentified persons came there and then went outside. After 5 minutes they again entered the *Dhaba*, opened door and fired at the police party. HC

Harbhajan Singh tried to flee alongwith handcuffs. Both the unidentified persons were followed but they succeeded to flee from the spot on their motor cycle alongwith undertrial Harbhajan Singh.

Learned State counsel on instructions from ASI Gurcharan Singh, submits that during investigation, supplementary statement of complainant Surinder was recorded, wherein, he disclosed that he has been apprised by some accused that the petitioner was one of the assailants. He has also been identified in the police station by complainant and independent witness Mander Singh, who was present at the spot.

Learned counsel for the petitioner submits that so far as identification of petitioner is concerned it was conducted in police station and supplementary statement of complainant is a weak piece of evidence as source of information of complainant is some other accused whose name has not been disclosed.

The petitioner in this case has been identified. The challan against him has been presented and case is at the stage of evidence. Till date, statements of complainant and independent witnesses have not been recorded. Release of petitioner on bail will give an opportunity to him to temper with the prosecution evidence and prevail upon the independent witness. As such, I find no reason to grant the benefit of regular bail to the petitioner at this stage.

This petition has no merits.

Dismissed.

(SURINDER GUPTA)
JUDGE

December 04, 2019

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