

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

**CRM-M No. 42723 of 2019
Date of Decision:-21.11.2019**

Vishal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Avtar S. Khinda, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ J.(Oral)

Petitioner-Vishal Singh has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No. 103 dated 07.5.2019, under Sections 307, 353, 186, 224, 225, 34, 379-B and 120-B IPC and Section 25/27 of Arms Act (later on Section 411 IPC added), registered at Police Station City Kapurthala, District Kapurthala. The petitioner is in custody since his arrest on 22.6.2019.

As per prosecution, on 07.05.2019 when police officials were on duty to produce three accused namely Vijay Kumar, Ajay Kumar and Harbhej Singh before the Medical Officer for their medical check-up at Civil Hospital, Kapurthala, meanwhile, at about 1.30 pm, they heard noise

of firing outside the OPD room of Medical Officer. On asking, Constable Kehar Singh and other persons who were present at Hospital informed that four young persons on two motorcycles bearing No.PB-02-DQ-6894 and PB-02-AY-5598 respectively, came there and managed to flee away one of the accused Harbhej Singh @ Bheja along with his handcuff after firing shots in air. However, the said police official with the help of Head Constable Major Singh, had apprehended two accused namely Sarwan Singh @ Sunny and Manpreet Singh, out of four accused, who came there to rescue the prisoner and fired shots with the intention to kill the police party who were performing their official duties.

Learned counsel for the petitioner contends that the allegations in the FIR relate to the escape of accused Harbhej Singh, who was brought to the hospital on 07.5.2019. He contends that four accused persons, namely, Sarwan Singh, Manpreet Singh, Vinod and Akashdeep committed the crime by taking prisoner Harbhej Singh alongwith them from the police custody and out of four persons, two were arrested on the spot. It is pointed out that the petitioner was indicted alongwith co-accused Manpreet Kaur @ Dolly on the strength of criminal conspiracy, punishable under Section 120-B IPC. He submits that the said co-accused Manpreet Kaur @ Dolly has already been granted the concession of regular bail by this Court vide order dated 05.9.2019 in CRM-M-31356 of 2019 (Annexure P-2).

On the other hand, learned State counsel, who is assisted by ASI Surender, has opposed the prayer on the ground of seriousness of offence. However, he fairly states that case of the petitioner is similar to

co-accused Manpreet Kaur @ Dolly.

After hearing learned counsel for the parties, this Court finds that the trial of the case is likely to consume considerable time and keeping in view the custodial period of the petitioner, his further custody may not be justified. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Kapurthala.

The petition is allowed.

November 21, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No