

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-46809 of 2019

Date of Decision: 08.11.2019

Amrinder Singh @ Sonu

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Rajiv Kataria, Advocate
for the petitioner.

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.108 dated 05.08.2015 registered for offences punishable under Sections 307, 353, 186, 472 read with Section 34 of Indian Penal Code (for short, “IPC”); 25/27 of the Arms Act; and 21/25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sadar Mansa, District Mansa.

Heard.

Notice of motion.

On asking of the Court, Mr. Amitoj Singh Dhaliwal, DAG, Punjab, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

As per allegations in the FIR, SI Rakesh Kumar with a police party was present at bridge drain Hirewala, where a *naka* had been held. A Swift car without number was seen coming and was given signal to stop at

which police party was fired upon by occupants of the car. Three persons, namely, Jugraj Singh @ Raju, Ramandeep Singh @ Rimi and Amrinder Singh @ Sonu were arrested by the police while one person, who was later identified as Balkaur Singh (non-petitioner), succeeded in running away from the spot. From possession of Jugraj Singh @ Raju, Ramandeep Singh @ Rimi and Amrinder Singh @ Sonu, arms and ammunition and 1 kg. of heroin, which was kept in dashboard of the car, was recovered.

Learned counsel for the petitioner submits that in the police enquiry the petitioner was found innocent and has been challaned for offence punishable under Section 25 of the Arms Act for recovery of .12 bore gun. As per police version, the petitioner had not fired at police party. Ramandeep Singh, who was sitting by the side of driver, had fired at the police party while the petitioner was sitting on the back seat. He was taken into custody on 05.08.2015. During pendency of case he jumped bail and was again taken into custody on 13.08.2019.

Instant FIR was registered for offence punishable under Sections 21/25 of NDPS Act, 25/27 of the Arms Act and 307, 353, 186, 472 read with Section 34 IPC.

Learned State counsel submits that final report against the petitioner has been filed for offence punishable under Section 25 of the Arms Act and not under Section 307 IPC.

Without expressing any opinion on merits of the case but keeping in view above facts and that the petitioner was earlier on bail and after his arrest he is behind bars for the last about three months and conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Amrinder Singh @ Sonu is ordered to be released on

regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

November 08, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No