

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46733-2019(O&M)
Date of decision: 07.11.2019

Premjit Singh @ Tota

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Ritesh Pandey, Advocate for the petitioner

Mr. Hittan Nehra, Addl. AG, Punjab

ANIL KSHETARPAL, J. (ORAL)

Petitioner prays for grant of regular bail in FIR No.125 dated 3.9.2019 registered under Sections 436, 34 IPC at Police Station Sadar Batala, District Batala.

Facts of the case in brief as noticed by the Court of Sessions are extracted as under:-

“The facts, in brief, necessary for disposal of instant bail application are that the aforesaid FIR has been registered at the instance of complainant Pritam Lal son of Natha Ram, resident of Gillanwali, District Gurdaspur. In his complaint, the complainant has stated that he is resident of above mentioned address and doing karyana shop in his village and that on 2.9.2019, it was about 9:00 p.m (during night) he was present at his shop. Then accused Balwinder Singh @ Billu son of Surjit Singh resident of Gillanwali had come to his shop and ran away

from the spot after abusing him without any reason. This fact was brought to the notice of the respectable persons of the village. Then at about 11:00 P.M (night) Balwinder Singh @ Billu son of Surjit Singh and Tota son of Harbhajan Singh resident of village Gillanwali who came on the motorcycle which was driven by Balwinder Singh @ Billu. When they stopped the motorcycle in front of his shop and then he saw them from the window of his house, then Balwinder Singh @ Billu get the bottle of petrol from Tota Singh pillion rider of motorcycle and sprinkled the petrol inside his (complainant) shop and some petrol sprinkled on the shutter of his shop. Then after picking the lighter from the pocket of his pant set the fire on his shop. The whole occurrence was witnessed by me and my son Harish Kumar. Then he (complainant) raised raula and neighbourers were gathered there. On hearing the raula, Balwinder Singh @ Billu and Tota both ran away on their motorcycle from the spot. Then they (complainant) extinguished the fire with the help of sand and water. With these allegations the present FIR was registered against the accused. Being aggrieved from that, the accused/ applicant Tota @ Premjit Singh has preferred the present regular bail application under Section 439 Cr.P.C.”

attributed to the petitioner is that he came alongwith Balwinder Singh @ Billu-the main accused. Apart therefrom no overt act has been attributed to the petitioner.

To a pointed question, learned State counsel on instructions from ASI Santokh Singh has admitted that police did not seek remand of the petitioner. Petitioner is in judicial custody for more than 1 month. He is not involved in any other case.

Without commenting on the merits of the case and keeping in view the aforesaid facts, it is considered appropriate to release the petitioner on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

Accordingly, present petition stands allowed.

07.11. 2019

rekha

Whether speaking/reasoned

Whether Reportable

(ANIL KSHETARPAL)

JUDGE

Yes / No

Yes / No