

CRM-M-64551 of 2018

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

CRM-M-64551 of 2018
Date of Decision: 14.01.2019

Harmanpreet Singh @ Harman and another

...Petitioners

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. Vinay Kumar, Advocate, for the petitioners.
Mr. Davinder Bir Singh, DAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 439 Cr.P.C. prayer has been made for grant of regular bail to the petitioners in a case arising from FIR No.68 dated 18.05.2018 registered under Sections 307, 379B IPC and Section 25 of the Arms Act, 1959 at Police Station Majitha, District Amritsar.

According to the prosecution, petitioners were absconder in a criminal case registered against them vide FIR No.26 dated 26.04.2017 under Sections 307, 148 and 149 IPC. On getting information, police party headed by MHC Baljinder Singh, that petitioners were roaming in the area of Village Wadla Viran, identified them. When police party tried to apprehend the petitioners, they ran towards *kacha* passage. On noticing that police was chasing them, they threw their motorcycle and ran in the fields, from where they took a tractor and rushed towards the Village. On finding narrow lane in which the tractor could not have been driven, the petitioners

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alighted from the tractor and hid themselves in the house of one Tara Singh and fired upon the police. Police also fired against the petitioners and finally succeeded in apprehending petitioners.

Learned counsel for the petitioners *inter alia* contends that none of the members of the police party received any injury. Petitioners were falsely implicated in aforesaid FIR No.26 dated 26.04.2017, but now have been acquitted vide judgment dated 03.12.2018. They are in custody since 18.05.2018. No recovery has to be effected from them. Conclusion of trial may take sufficient long time. No useful purpose would be served by detaining the petitioners in jail any more.

On the other hand, learned State counsel vehemently opposed the grant of regular bail to the petitioners.

Considering overall facts and circumstances, but without expressing any opinion on the merits of the case, the petition is allowed. Consequently, petitioners are ordered to be released on bail during pendency of trial, on their furnishing bail bonds and surety bonds to the satisfaction of Trial Court/Duty Magistrate concerned.

January 14, 2019
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No