

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

107

CRM-M-1995-2020
Date of decision: 28.01.2020

Harpreet Singh @ Laddi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Ashish Aggarwal, Advocate
for the petitioner.

Mr. Arun Kaundal, DAG, Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.69 dated 15.06.2018 registered under Sections 307, 420, 467, 468, 465, 471, 482, 392, 394, 341, 186, 427, 148 and 149 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station Lambran, District Jalandhar (Rural) out of which Sections 420, 467, 468, 471, 392, 148 and 149 of the IPC were deleted and Section 34 of the IPC was added later on.

Learned State Counsel has opposed the bail application by filing reply by way of affidavit of Sh. Surinder Pal, PPS, Deputy Superintendent of Police, Sub-Division Kartarpur, Jalandhar which is taken on record.

I have heard learned Counsel for the petitioner and learned State Counsel and gone through the record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated on the basis of identification before the police by Subhash Chander, driver of Mahindra Pick-Up, involved in commission of the present offences, to be one of the persons who had snatched Mahindra Pick-Up from him. Subhash Chander in the course of his examination in the Court as prosecution

witness turned hostile and denied having identified the petitioner and others as the persons who had snatched Mahindra Pick-Up from him. Only two prosecution witnesses out of 14 have been examined so far. The trial is likely to take long time. Therefore, the petitioner may be granted regular bail in the case.

On the other hand, learned State Counsel has submitted that the petitioner attempted to murder the police party. The petitioner is facing trial in seven other cases and has been convicted in two cases of similar nature. In view of the nature of accusation and gravity of offences, the petitioner does not deserve grant of regular bail and the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation against the petitioner, kind of evidence available against him, the fact that the petitioner was implicated on the basis of identification by Subhash Chander as one of the persons who had snatched Mahindra Pick-Up from him but Subhash Chander has turned hostile and has not supported the prosecution version and also that only two prosecution witnesses out of 14 have been examined so far and trial is likely to take long time but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of bail bonds by him to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

However, the petitioner is granted regular bail subject to the condition that he shall not commit any similar offence and in case of commission of similar offence by him in future his bail in the present case shall also be liable to be cancelled on application to be filed in this regard.

28.01.2020

Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No