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

**CRM-M-6344-2020
Date of Decision: 30.07.2020**

Sonu Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. K.B. Raheja, Advocate,
for the petitioner.

Mr. Sireesh Gupta, Sr. DAG, Punjab.

SUDIP AHLUWALIA, J. (ORAL)

This is a petition for regular bail under Section 439 Cr.P.C. on behalf of the petitioner in case FIR No.106 dated 18.08.2018, under Sections 225, 307 and 34 of the IPC and Sections 25 and 27 of the Arms Act and Sections 333, 186 and 201 of the IPC (added later on) and Sections 54 & 59 of the Arms Act , registered at Police Station Ghall Khurd, District Ferozepur.

[2]. On the last date, Ld. State counsel was asked to pin point what exactly is the implicating material against the petitioner in the present case, after which, time was sought for on behalf of the State, to scrutinize the Challan papers.

[3]. Today, Ld. State counsel submits that the incriminating material happens to be the supplementary statement of Head Constable Surinder Singh (Annexure P-2), who stated that he, along with Police Officials, was taking accused Harbhajan Singh from Nabha Jail to produce

him in the Trial Court. On their way-back at about 4.30 p.m., when they stopped at a roadside Dhaba to take meals, two unknown persons entered the Dhaba, one of whom fired directly upon the Police party causing injury on the thighs of Head Constable Lachman Singh and in this manner those intruders/assailants took the accused Harbhajan Singh along with them with his handcuffs and, thus, managed his escape by running away towards Moga on their Motorcycles. The specific incriminating statement against the petitioner from the aforesaid Head Constable Surinder Singh reads as under :-

“I had made statement on that day with Inspector Jasbir Singh SHO Ghall Khurd and the FIR was then registered. My duty is to produce the accused. I have come to know from some accused that out of two unknown persons who made Harbhajan Singh-accused escape from police custody, one was his brother Soni Singh son of Lal Singh, resident of Nihala Kilcha, P.S. Sadar, Ferozepur.”

[4]. It is, therefore, clear that the only incriminating material against the petitioner is the information/statement given to Head Constable Surinder Singh by some unknown accused persons that the petitioner being the brother of Harbhajan Singh was one of the accused persons, involved in the occurrence leading to Harbhajan Singh's escape from Police custody.

[5]. On the face of it, such supplementary statement can at best be regarded as hearsay evidence which is not admissible in law. Besides, even the name of the person, who gave the supposed statement/information to the concerned Head Constable is not revealed.

[6]. In the opinion of this Court, therefore, considering that the petitioner has remained in custody in this case for more than 1 year and 8

months, his further detention for an indefinite period would not be justified, especially in view of the facts that so far only 5 out of the 24 cited prosecution witnesses have been examined and the trial is likely to take its own considerable time on account of the ongoing Covid-19 Pandemic.

[7]. In such circumstances and considering the long detention undergone by the petitioner, he is ordered to be released on regular bail subject to appropriate terms and conditions to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

[8]. Disposed off.

30.07.2020

Bhumika

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No