

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 07.01.2020

1. CRM-M No.26829 of 2019

Dalbir Singh @ Manni

.....Petitioner

Versus

State of Punjab

.....Respondent

2. CRM-M No.41280 of 2019

Navneet Singh @ Navi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. P.S. Ahluwalia, Advocate
for the petitioner in CRM-M No.26829 of 2019.

Mr. D.S. Virk, Advocate
for the petitioner in CRM-M No.41280 of 2019.

Mr. J.S. Ghumman, AAG, Punjab.

RAJ MOHAN SINGH, J.

[1]. Vide this common order, CRM-M No.26829 of 2019
titled Dalbir Singh @ Manni Vs. State of Punjab and CRM-M
No.41280 of 2019 titled Navneet Singh @ Navi Vs. State of

CRM-M No.26829 of 2019 and CRM-M No.41280 of 2019

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Punjab are being decided. Both the petitions have arisen from the same FIR, therefore, the facts are being noticed from CRM-M No.26829 of 2019.

[2]. Both the petitioners seek grant of regular bail in case bearing FIR No.19 dated 03.02.2019 registered under Sections 392, 307, 379, 420, 411, 472, 473, 148, 149 IPC and under Section 25 of the Arms Act at Police Station Tripuri, District Patiala.

[3]. As per allegations in the FIR, petitioner was one of the accused persons who were boarding the car which was chased by the police party from two sides and ultimately, came to a halt when the same was trapped in between two vehicles of the police parties. Two accused persons namely Navpreet Singh @ Nav Sandhu @ Lahoriya and Prashant Hindrav @ Chhotu were identified by the police party. Navpreet Singh @ Nav Sandhu @ Lahoriya is wanted by the police in various cases of heinous crime. Two police parties participated in nabbing the accused persons. One police party was headed by the complainant Inspector along with SSP, Patiala and the second police party was headed by Inspector Saminder Singh. Navpreet Singh @ Nav Sandhu @ Lahoriya was sitting on the rear seat of the car and he was identified by Inspector Saminder Singh. On being signaled, the occupants of the car started firing upon the police

party and made the vehicle to run away. The vehicle was followed by the police party. A team in which SSP, Patiala was also present, ultimately surrounded the car of the accused which was coming on fast speed from the opposite side from the front by closing the way. Complainant Inspector had reached from behind at the spot. Five accused made the car to run towards residential area, while firing on the police party. Ultimately, the car of the accused party had to be stopped. Police party had also fired for the safety of police and public and also for catching hold of the accused persons. Taking benefit of residential area, Navpreet Singh @ Nav Sandhu @ Lahoriya and Ankur Singh @ Mani (who were identified by ASI Madan Gopal) and Prashant Hindrav @ Chhotu succeeded in fleeing from the spot towards the fields. Remaining accused namely Dalbir Singh @ Manni and Navneet Singh @ Navi were apprehended by the police party. Pistol .315 bore was recovered from Dalbir Singh @ Manni from his right hand along with one cartridge. Three cartridges were recovered from his person from the right pocket. From Navneet Singh @ Navi, 30 bore loaded pistol was recovered from the right hand and on unloading, three live cartridges were recovered.

[4]. FIR was registered under Sections 392, 307, 148, 149 IPC and under Section 25 of the Arms Act against Navpreet

Singh @ Nav Sandhu @ Lahoriya, Ankur Singh @ Mani, Navneet Singh @ Navi, Prashant Hindrav @ Chhotu and Dalbir Singh @ Manni.

[5]. Learned counsel for the petitioner submitted that the petitioner has been granted bail in FIR No.26 dated 02.02.2019 registered under Sections 392, 382, 34 IPC and under Sections 25/54/59 of the Arms Act at Police Station Civil Lines, Patiala by Judicial Magistrate First Class, Patiala vide order dated 29.04.2019. The accused were charge-sheeted only for the offences under Sections 148, 149, 307, 411 IPC. Since there was no sanction obtained from the District Magistrate, therefore, the accused were not charge-sheeted for the offences under the Arms Act. The weapons remained in custody of the police for two months before sending the same for analysis/ballistic report/FSL.

[6]. Vide order dated 11.12.2019 passed in this case, learned State counsel on instructions from ASI Balwinder apprised the Court that although the weapon was recovered from the petitioner on 03.02.2019, but the same was sent for FSL on 17.04.2019 and the report was awaited.

[7], Today, learned State counsel on instructions from ASI Balwinder submitted that the weapon was found to be in working order with all mechanism intact.

[8]. During course of arguments, learned counsel for the petitioner submitted that the petitioner has been granted bail in other cases and in this occurrence, none has been injured from the police party. Offence under Section 307 IPC has been added just to increase the gravity of the offences. Petitioner and his co-accused are alleged to have fired at the police party, but no injury has been sustained by any police official.

[9]. It is a case of no injury. Petitioner is in custody for the last 11 months. Police officials who constituted the raiding party have not suffered any injury whatsoever despite alleged indiscriminate firing by the accused party. Working mechanism of the weapon viz-a-viz the use of the same in view of delay in sending the same to FSL, would be debatable in the context of FSL report received by the prosecution. The accused have not been charged for the offences under Sections 392, 379, 420, 472, 473 IPC and Section 25 of the Arms Act in the original challan, however after passing the orders dated 11.12.2019 and 19.12.2019 by this Court in this case, the police has filed supplementary challan on 04.01.2012 for the offences under the Arms Act.

[10]. In view of above, without meaning anything on merits of the case, it would be appropriate to grant regular bail to both the petitioners in these circumstances, subject to their furnishing

adequate bail bonds/surety bonds to the satisfaction of the trial Court.

[11]. Nothing expressed hereinabove, shall be construed to be an opinion on merits of the case in any manner.

07.01.2020
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(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/speaking Yes/No

Whether reportable Yes/No