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

**CRM-M No.30769 of 2020(O&M)
Date of Decision: 26.10.2020**

**Gurdeep Singh @ Giria and another Petitioners
Vs
State of Punjab and others Respondents**

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. B.S. Bairagi, Advocate
for the petitioners.

Mr. Ramdeep Partap Singh, DAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioners seek grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.57 dated 17.07.2020 registered under Section 307, 379-B, 34, 120-B IPC and Sections 25, 27, 54, 59 of the Arms Act at Police Station Badhni Kalan, District Moga.

The FIR was registered at the instance of Amandeep Singh @ Bandra with the allegations that the complainant and Harsimran Singh @ Honey were filling soil in the construction work with the help of a tractor. At about 5:20 PM, when they reached near T-point on the turn of Rania-Buttar, three persons

came on a motorcycle with muffled faces. The pillion riders were having two pistols. After alighting from the motorcycle, they started firing towards the complainant and Harsimaran Singh @ Honey with an intention to kill them. One fire hit on the left knee of Harsimran Singh @ Honey and as a result of that, the tractor struck against their motorcycle and driver of the motorcycle fell down. His face got uncovered and the complainant can identify him on being produced before him. The faces of pillion riders also got uncovered and they were identified as Navdeep Singh @ Navi and Sukhpreet Singh @ Sukha. The driver of the motorcycle suddenly woke up and took out two pistols from his bag and started firing upon the complainant. The complainant tried to escape from the spot and Harsimran Singh accelerated the tractor. Thereafter, the assailants fled away from the spot with their respective weapons after snatching the motorcycle of Nirmal Singh.

The allegations against the petitioners are that they did recky/spying of the complainant party. Petitioners have implicated after five days of the occurrence on the basis of statement of the injured.

Learned State counsel on instructions submitted that the allegations against the petitioners are of recky/spying and they have been nominated in the present case on the basis of

statement of Harsimaran Singh @ Honey, wherein he has stated that the petitioners have conducted the recky for the commission of the offence and for that, rapat No.35 dated 22.07.2020 was also entered. Petitioners are in custody since 22.07.2020. Co-accused Sukhpreet Singh @ Sukha has not been arrested so far. Challan stands presented on 19.10.2020.

Admittedly, allegations against the petitioners are of doing recky in furtherance of connivance with other accused.

Keeping in view the fact that challan has already been submitted, petitioners are in custody since 22.07.2020 and without meaning anything on merits of the case, I deem it appropriate to enlarge the petitioners on regular bail.

In view of above, petition is allowed. Petitioners are ordered to be released on regular bail, subject to their furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

(RAJ MOHAN SINGH)
JUDGE

October 26, 2020
Prince

Whether speaking/reasoned Yes/No

Whether reportable Yes/No