

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

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CRM-M-39105-2020 (O&M)

Date of decision : 01.12.2020.

Harsimran Singh alias Simma

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Deepinder Brar, Advocate, for the petitioner

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.284 dated 23.12.2019 under Sections 399, 402 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 registered at Police Station Sarabha Nagar, Ludhiana.

Learned counsel for the petitioner would contend that the only allegation in the FIR is that the patrolling party received a secret information that some young people, whose names are stated in the FIR, are in possession of weapons and terrifying people with these weapons and are habitual of looting and snatching. Thereafter, a raid was conducted on the basis of information and two of the accused were arrested on the spot. Learned counsel would further contend that the only allegation is that the petitioner was planning to commit a dacoity and .32 bore pistol and 07 live cartridges were recovered from him. Learned counsel would further contend that the petitioner is in custody since 23.12.2019.

Notice of motion.

On the asking of the Court, Mr. Ramandeep Sandhu, Sr. DAG, Punjab, has put in appearance on behalf of the State through video conferencing. He, on instructions from ASI Lakhwinder Masih, has vehemently opposed the bail application. He is, however, not in a position to deny the fact that no actual offence is alleged to have been committed and the only allegation in the FIR is that the petitioner was planning to commit a dacoity.

In view of the above, without commenting anything on the merits of the case, and in view of the fact that the petitioner has been in custody since 23.12.2019 and the trial is likely to take some time, especially in view of the situation created by the Covid-19 pandemic, I deem this to be a fit case for grant of regular bail to the petitioner. The present petition is accordingly allowed and the petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is, however, made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

December 01, 2020
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(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Yes/No
Whether reportable: Yes/No