

In virtual Court

CRM-M-42159-2020

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-42159-2020 (O&M)
Date of decision: 21.12.2020

Jaspal Singh @ Pala

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Achin Gupta, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.174 dated 17.10.2019 under Sections 307, 336, 427, 34 IPC and Sections 25/27 of Arms Act (Sections 148, 149, 120-B, 201 IPC were added and Section 34 IPC was deleted later on), registered at Police Station Jaito, District Faridkot.

Learned counsel for the petitioner relies upon the order dated 03.12.2020 passed in CRM-M-39876-2020, vide which co-accused Jaspal Singh @ Pala has been granted the concession of regular bail. The operative part of the order reads as under: -

“...Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of complainant Sushil Kumar Jindal, he is running a shop of general articles and on 17.10.2019, two persons with muffled faces came on a motorcycle and fired in the air. They also fired towards the shop and one bullet hit the glass. The complainant and his servant lied down on the floor. Thereafter, the accused persons ran away from the spot. It is further submitted that during the investigation, the police arrested two persons namely Aman Kumar @ Amna and Yadwinder Singh @ Yadu and challan against them was presented on 27.10.2020. It is also submitted that in the meantime, the petitioner was arrested in another FIR No.280 dated 05.08.2020 under Section 384 IPC and Section 25 of Arms Act, Police Station City Faridkot and during investigation of the said FIR, DDR No.20 dated 14.08.2020 was registered in the present FIR and on recovery of a weapon, the petitioner was nominated as an accused in the present FIR.

Learned counsel for the petitioner further submits that allegations against the petitioner are based upon his own statement and it is a case where none one was injured. It is further submitted that the petitioner is in custody since 14.08.2020 and he is no more required for custodial interrogation, as the weapon has already been recovered in FIR No.280.

Learned State counsel has filed the custody certificate in the Court today and on instructions from SI Gurdev Singh, has not disputed the factual position, however, submits that on the basis of disclosure of the petitioner, during investigation of FIR No.280, he has been nominated in the present FIR.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the

aforesaid submissions made by learned counsel for the parties, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned...”

Learned State counsel has not disputed the factual position.

After hearing learned counsel for the parties, without commenting upon merits of the case and considering the fact that co-accused of the petitioner has been released on regular bail, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

21.12.2020
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No