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

**CRM-M No.51164 of 2019
Date of Decision: 17.02.2020**

HARMANBIR SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

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

Present: Mr. Vaibhav Narang, Advocate
for the petitioner.

Mr. J.S. Ghumman, D.A.G., Punjab.

Mr. Joginderpal Devgan, Advocate
for the complainant.

RAJ MOHAN SINGH, J.(Oral)

In compliance of order dated 14.02.2020, Investigating Officer of the case is present. He has explained his position. Explanation is accepted and proposed action in terms of cost(s) is hereby dropped.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.185 dated 29.08.2019, registered under Sections 307, 452, 427, 506, 34 IPC and Section 25 of the Arms Act at Police Station Lopoke, District Amritsar Rural.

FIR was registered at the instance of Sarwan Singh

with the allegations that on 28.08.2019 at about 7.45 p.m., when he and his brother Bhagwant Singh were milking the cattles, then Jatinder Pal Singh armed with 12 bore gun, Ajay Pal Singh and Harmanbir Singh armed with revolvers along with 2/3 unidentified persons came to their house. All these persons entered into the house and after raising lalkara by Jatinder Pal Singh. They started firing. Jatinder Pal Singh fired two gun shots with an intention to kill the complainant and his brother. Complainant and his brother hide themselves behind the *Khurali*. Ajay Pal Singh and Harmanbir Singh also fired upon the complainant-party with their respective weapons and the bullets hit the gate. On raising alarm, the accused persons ran away from the spot along with their respective weapons.

Learned counsel for the petitioner submitted that it is a case of no injury. Statement of Ajay Pal Singh has been recorded after joining him in the investigation. According to him, he has thrown his weapon in the river. 12 bore gun has been recovered from the co-accused Jatinder Pal Singh and he has already been granted anticipatory bail vide order dated 02.12.2019 passed in CRM-M No.47171 of 2019. The alleged weapon used by the petitioner is of his father, who is not an accused in the present case.

Learned State counsel on instructions from ASI

Kashmir Singh submitted that even though none is injured in the present case, but the petitioner along with others has used the weapon. Recovery of weapon is still to be effected from the father of the petitioner. Challan has already been presented.

The challan has been presented and the petitioner is in custody since 21.09.2019. Petitioner is no more required in any further investigation of the case. Trial of the case may take sometime in its culmination.

Taking into consideration of the aforesaid facts at this stage, without adverting to the merits of the case, I am of the view that petitioner, who is in custody since 21.09.2019 can be enlarged on bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

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

February 17, 2020

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No