

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

CRM-M-6994-2020

Date of decision-05.01.2021

Manpreet Singh

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Neeraj Yadav, Advocate for
Mr. B.S.Bhalla, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial, in case FIR No.0103 dated 07.05.2019 under Sections 307, 353, 186, 224, 225 and 34 Indian Penal Code, 1860 (Section 323 IPC added later on) and Sections 25 and 27 Arms Act, 1959 registered at Police Station City Kapurthala. Petitioner is in custody since his arrest on 07.05.2019.

As per the prosecution case, on 07.05.2019 when police officials were on duty to produce three accused namely Vijay Kumar, Ajay Kumar and Harbhej Singh before the Medical Officer for their medical check-up at Civil Hospital, Kapurthala, at about 1.30 pm, they heard noise of firing outside the OPD room of Medical Officer. On asking, Constable Kehar Singh and other persons, who were present at Hospital informed that four young persons on two motorcycles bearing No.PB-02-DQ-6894 and PB-02-AY-5598 respectively, came there and managed to flee away one of

the accused Harbhej Singh @ Bheja, along with his handcuff after firing shots in air. However, the said police official with the help of Head Constable Major Singh, had apprehended two accused, namely, Sarwan Singh @ Sunny and Manpreet Singh (present petitioner), out of four accused, who came there to rescue the prisoner and fired shots with the intention to kill the police party, who were performing their official duties.

Learned counsel for the petitioner has argued that as per prosecution, though the petitioner was present at the place of occurrence, but no overt act has been attributed to him. He contends that the alleged firing was done by the other co-accused, and therefore, the further custody of the petitioner may not be necessary. He has produced the copy of the order dated 21.11.2019, passed by this Court in CRM-M-42723-2019, whereby his co-accused-Vishal Singh has been released on bail. He prays that the petitioner be also granted the concession of regular bail.

On the other hand, learned State counsel assisted by ASI Manjit Singh has vehemently opposed the prayer on the ground that the case of the petitioner is distinguishable from the co-accused, who has been released on bail as the said accused-Vishal Singh was not present at the place of occurrence and was made an accused on the basis of criminal conspiracy. He submits that in the present occurrence, the accused persons had attempted to facilitate the escape of accused-Harbhej Singh by use of force, when he was brought to the hospital on 07.05.2019.

After hearing learned counsel for the parties, this Court finds that the the petitioner is named in the FIR and the material witnesses are yet to be examined by the prosecution and therefore, considering the seriousness

of the offence, this Court does not find it to be a fit case for release of the petitioner on regular bail at this stage.

Petition is dismissed.

05.01.2021

vanita

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No