

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

Sr. No.222(1)

CRM-M No. 31105 of 2020

Date of decision : 15.03.2021

Amrik Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. K. S. Saini, Advocate for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.115 dated 24.07.2020 under Sections 307, 353, 186, 120-B IPC and Section 25 of the Arms Act registered at Police Station Kharar, district Mohali.

Briefly stated the case of the prosecution is that when the police went to arrest co-accused Navdeep Singh alias John Butter, he along with the petitioner fired at the police party and after the petitioner and his co-accused were apprehended, a 7.65 MM pistol was recovered from the petitioner.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case for the reason that he has cases under Excise Act pending against him; no fire arm injury has been caused by the petitioner; in fact no empty 7.65 MM bullet shells have been recovered from

the spot showing that no bullet was fired by the petitioner; report under Section 173 Cr.P.C. has already been filed and therefore the petitioner is not in a position to influence the investigation; the petitioner is in custody since 24.07.2020 and that the petitioner's trial, which is yet to commence, will take a long time to conclude.

Learned State counsel submits that though a 7.65 MM pistol was recovered from the petitioner, no empty 7.65 MM bullet shell has been recovered from the spot and that no policemen were injured in the firing but opposes the grant of bail to the petitioner on the ground that there are other cases under the Excise Act pending against him and if he is released on bail he may indulge in similar offences.

The petitioner is in custody since 24.07.2020; in the light of the fact that the alleged recovery from the petitioner is of 7.65 MM pistol and no empty 7.65 MM bullet shells have been recovered from the spot the allegation against the petitioner with regard to him firing on the police shall be debated during the petitioner's trial especially when there is no injury on any police personal; report under Section 173 Cr.P.C. has already been filed and therefore the petitioner is not in a position to influence the investigation and that the petitioner's trial which is yet to commence is likely to take a long time to conclude especially in the present circumstances when the world is facing the COVID-19 pandemic.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Mohali the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

15.03.2021

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No