

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRM-M-33387-2020

Date of Decision: 17.09.2021

Sahil alias Goru

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present : Mr. A.P.S.Sandhu, Advocate,
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

This petition has been filed under the provisions of Section 439 Cr.P.C., for grant of 'regular bail' to the petitioner in case FIR no.147 dated 07.06.2020, registered at Police Station Gate Hakima, District Amritsar (City), for the alleged commission of offences punishable under Sections 302, 452, 336, 506, 148 and 149 of the IPC and Section 25 of the Arms Act, 1959 (with Section 216 read with Section 120-B of the IPC having been added later).

Learned counsel for the petitioner first refers to the order passed in this petition on 19.02.2021, with the petitioners' case having been dealt with along with the case of his co-accused Angrej Singh @ Geji, who had filed CRM-M-36588-2020.

It is also seen that at that stage a third petition, bearing CRM-M-

34641-2020, was also considered in that order, that being the petition of one Renu @ Sonia who was another co-accused, with her as also Angrej Singh @ Geji having been admitted to bail by this court for the reasons stated in that order; but with the case of the petitioner having been kept pending on the ground that learned State counsel who had appeared at that stage had submitted (as per his instructions) that the recovery of the pistol used in the occurrence was made from the petitioner.

Learned counsel for the petitioner submits that that was an incorrect statement made by learned State counsel appearing at that stage, because even as per the report submitted under Section 173 Cr.P.C., the recovery of the two weapons alleged to have been used in the occurrence itself, was made from his co-accused Shambu and Harwinder Hans, whereas the recovery made from the petitioner was of a completely different weapon (even as per the case of the prosecution), at the time his premises were raided to apprehend him.

He further submits that the petitioner has been in custody since 07.08.2020 with not even the charge framed so far by the trial court (seemingly because of the ongoing pandemic).

Upon query to learned State counsel, he does not deny the factual position as regards the recovery of a different weapon from the petitioner, or the stage of the trial; and upon further query, he submits that there is one other criminal case registered against the petitioner under the provisions of the NDPS Act, 1985.

Looking at the aforesaid facts as also the fact that all other co-accused of the petitioner except Shambu and Chandan (who are the two persons who are

stated to have actually fired the fatal shots), have been admitted to bail, without making any comment on the actual merits of the case, this petition is allowed with the petitioner to be admitted to bail upon his furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial court/Chief Judicial Magistrate/Duty Magistrate concerned.

The status report filed by the ACP, Central, Amritsar City, dated 26.11.2020, is ordered to be taken on record, in which it is stated that the weapons that were recovered from co-accused Shambu and Chandan were obtained by them from the present petitioner (as per their disclosure statements).

A perusal of paragraphs 4 and 5 thereof would also seem to confirm the contention of learned counsel for the petitioner that the two weapons of offence that were actually used (as per the case of the prosecution), were recovered from the house of Chandan Gosain (though not Harwinder Hans), and from Shambu.

It is made clear that if what has been contended by learned counsel herein-above and has been accepted at this stage by this court (only for the purpose of this petition), is found to be factually incorrect in terms of the report submitted under Section 173 Cr.P.C., the State would be at liberty to initiate appropriate proceedings for cancellation of the bail granted to the petitioner.

(AMOL RATTAN SINGH)
JUDGE

17.09.2021
adhikari

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No