

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

**CRM-M-34201 of 2020**

**DATE OF DECISION :- February 24, 2021**

**Baljinder Singh alias Shama**

**...Petitioner**

**Versus**

**State of Punjab**

**...Respondent**

**CORAM: HON'BLE MR. JUSTICE H.S. MADAAN**

**Present:-** Mr. J.S. Thakur, Advocate for the petitioner.

Mr. J.S. Ghuman, DAG, Punjab.

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The case has been taken up through Video Conferencing.

This petition for regular bail has been filed by petitioner Baljinder Singh alias Shama, an accused in F.I.R. No. 68 dated 21.6.2020 registered with Police Station Patara, District Jalandhar rural for offences under Sections 379-B, 392, 395 IPC and 25 of the Arms Act.

Briefly stated the prosecution story is that on 21.6.2020, a police party from Police Station Patara, Jalandhar led by SI Nirmal Singh, while being on patrol and checking duty present at Lamba Pind, Jandu Singh Road Chowk Kangniwal Puli had received a secret information that Rohit Dhir @ Jharhia, Baljinder Singh @ Shama (present petitioner), Jasvir Singh @ Jassa son of Sukhdev Raj and another Jasbir Singh @ Jassa son of Lakhvir Singh had formed a gang and were indulging in dacoities/robberies in the area having illegal weapons; further more they were proclaimed offenders in a number of cases. Ruqa was sent to police station on basis of which formal F.I.R was registered; a naka was laid; one Alto Car bearing No. PB-08-DB-2646 was signaled to stop but the driver sped it away, however, it was intercepted. Two persons tried to run after leaving the

Car, who were arrested. The person driving the Car disclosed his name as Rohit Dhir @ Jharhia and he was found carrying a pistol .32 bore and 6 live cartridges of the same bore. Petitioner Baljinder Singh alias Shama, who was sitting on the front seat of the Car was found in possession of a country made pistol of .315 bore along with five live cartridges, Jasvir Singh @ Jassa son of Lakhvir Singh and Jasvir Singh son of Sukhdev Lal were found to be carrying a Datar each. They were arrested in this case.

After completion of investigation and other formalities challan against such accused has been filed in the Court, though charge is yet to be framed and the next date of hearing fixed in the trial Court, as informed by the State counsel is 1.3.2021. The petitioner had approached the Court of Sessions at Jalandhar seeking regular bail, however, his such application assigned to Additional Sessions Judge, Jalandhar was declined vide order dated 10.8.2020, therefore, he has approached this Court praying for grant of similar relief, which request is opposed by the State counsel.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

The petitioner was arrested in this case on 21.6.2020. The recovery has already been effected from him. Though challan against him and his co-accused has been filed but conclusion of trial is likely to take considerable time. The guilt of the accused shall be determined during the trial. Though he is shown to be involved in another criminal case bearing F.I.R No. 165 dated 12.7.2018 for offences under Sections 323/324/34 IPC registered with Police Station Rama Mandi, Jalandhar which is pending trial, however, the accused is stated to be on bail in that case. With regard to another F.I.R registered against petitioner i.e. 166 dated 28.8.2017 under Sections 323,452 IPC registered with Police Station Rama Mandi, Jalandhar, as mentioned in the written reply filed by the State counsel, cancellation report in that regard had been prepared and submitted in the Court on

27.8.2018.

Under the circumstances, I find that the petition deserves to be accepted and it is hereby allowed. Petitioner Baljinder Singh alias Shama is ordered to be released on bail on his furnishing bail bond and surety bond to the satisfaction of the learned trial Court/CJM/Duty Magistrate, Jalandhar subject to the following conditions :-

- (i) he shall appear in the Court on each and every date of hearing.
- (ii) he shall not give any threat or intimidation to the prosecution witnesses.
- (iii) he shall not leave India without prior permission of the Court and shall surrender his Passport, if he has got one, otherwise to furnish affidavit in that regard.
- (iv) he shall not indulge in any criminal activity.
- (v) he shall join the investigation as and when directed by the Investigating Officer.
- (vi) he shall got his presence marked in the police station Rama Mandi, Jalandhar on every Saturday of the week between 11.00 A.M. to 2.00 P.M. so that an eye can be kept on his movements and he is deterred from indulging in any criminal activity.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

**(H.S. MADAAN)**  
**JUDGE**

**February 24, 2021**  
*p.singh*

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No