

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11202-2022 (O&M)

Date of decision: 22.03.2022

Gurpreet Singh @ Kora

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Vikram Satpal Anand, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.155 dated 28.07.2016 under Sections 307, 364, 379, 34 IPC (Charge under Sections 307, 364, 379, 34 IPC and Section 27 of Arms Act has been framed vide order dated 25.11.2019) and Section 22 of Arms Act, registered at Police Station Cantonment, District Police Commissionerate.

Learned counsel for the petitioner submits that the FIR was registered at the instance of HC Paramjit Singh with the allegations that while on patrol duty, he heard a noise of firing of two shots. When he reached at the spot, people disclosed that one Honda City car, in which there were three persons and one person came on Activa. They tried to put him in the car forcibly. When the complainant tried to intervene, one of the kidnappers fired

two shots in the air with intention to kidnap and while doing this act, they forcibly took him in the car. It is further submitted that now statement of complainant HC Paramjit Singh is recorded as PW2 and he has not identified the petitioner.

Learned counsel has referred to statement of PW1 Gaurav Arora, who was allegedly kidnapped by the accused persons and he failed to identify any of the accused. This witness was declared hostile and even in cross-examination, he denied having made any statement to the police. It is also submitted that the petitioner is in custody since 28.05.2018 and a period of more than 03 years and 10 months is lapsed and in view of statements of PW1 and PW2, who have not supported the prosecution version, there is remote chances of conviction of the petitioner.

Learned State counsel, on instructions from the Investigating Officer, has not disputed the factual position.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the aforesaid facts and circumstances of the case, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

[ARVIND SINGH SANGWAN]
JUDGE

22.03.2022
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No