

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

203

CRM-M-32922-2021.

Date of Decision: 12.05.2022.

Jarmanjit Singh @ Bhalwan

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Ramandeep Singh Gill, Advocate for petitioner.

Mr. Rana Harjasdeep Singh, Deputy Advocate General, Punjab.

Lalit Batra, J.(Oral)

Present second petition under Section 439 Cr.P.C for grant of regular bail has been moved by petitioner-**Jarmanjit Singh @ Bhalwan** in case FIR No.15 dated 07.02.2019 under Sections 120-B, 186, 307, 332, 342, 353, 412, 465, 467, 468, 471 and 473 IPC and Section 25 of Arms Act, registered at Police Station Dhakoli, District SAS Nagar.

Learned counsel for the petitioner *inter alia* contends that though after completion of investigation, final report as envisaged under Section 173 Cr.P.C. (*Challan*) has already been presented against the petitioner in the Court, however, there is no progress in the trial. He further submits that though there is a reference of seizure memo in the final report (*Challan*), vide which alleged Rent Agreement dated 01.10.2018, was seized by the Investigating Agency, however, no such Rent Agreement has been made part and parcel of the said report. He further urges that after the

dismissal of previous petition (CRM-M-3451-2020), vide order dated 15.02.2021, there is change in scenario as though trial has commenced, but there is no progress thereafter. He further submits that petitioner is languishing in custody w.e.f. 07.02.2019 and since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that on 07.02.2019 after having received secret information that Ankit Bhadu (most wanted criminal) alongwith his accomplices while armed with deadly weapons is living in a flat situate in Mahalaxmi Homes, Peer Muchhalla, raid was carried out at the disclosed place, where police raiding party had to face stiff resistance on account of firing from inside the flat and as a result of which one fire hit the bulletproof jacket of Head Constable Parvinder Singh. He further urges that though raiding party had asked Ankit Bhadu and his accomplices to surrender, but he (Ankit Bhadu) jumped and entered another flat No.6B and made captive two girls living in the said flat. He further urges that due to firing by assailants, Assistant Sub Inspector Sukhwinder had also sustained gun shot injury, whereas in cross firing, Ankit Bhadu had sustained gun shot injury. He further urges that Ankit Bhadu was apprehended while lying in the lobby and one pistol 9 MM was found beside him. He further urges that girls living in Flat No.6B had also sustained injuries. He further submits that petitioner and co-accused Gurinder Singh @ Ginda were arrested from the bathroom of Flat No.6C and then during the search of said flat as well as

Flat No.6B, heavy quantity of fire-arms and ammunition were recovered. He further urges that on spot inspection, it revealed that petitioner had fired upon the police party from his 7.65 MM pistol, which weapon was taken into police possession and on opening of magazine, one live cartridge 7.65 MM was recovered from the chamber and further two live cartridges 7.65 MM were recovered from the magazine. He further urges that on 17.02.2019, petitioner and co-accused Gurinder Singh @ Ginda, in pursuance of their disclosure statements, got recovered one motorcycle make Pulsar wherein fake Engine and Chassis numbers were found engraved. He further submits that trial has already commenced and the case is fixed for 13.05.2022 for recording prosecution evidence and number of material prosecution witnesses have been summoned to record their testimonies. He further submits that earnest and sincere efforts shall be made at the instance of Prosecuting Agency to examine the prosecution witnesses. He further submits that material prosecution witnesses are yet to be examined and in case concession of bail is extended to petitioner, he may influence the prosecution witnesses. He further submits that previous petition (CRM-M-3451-2020) moved by petitioner seeking regular bail, was dismissed on merits by this Court, vide order dated 15.02.2021 and since material prosecution witnesses are yet to be examined, there is no change in the scenario and especially the fact that as petitioner had played major role in the commission of offence and further the fact that allegations against the petitioner are serious in nature, he does not deserve the concession of bail.

I have heard learned counsel for the parties and have carefully

Without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that allegedly petitioner in conspiracy with co-accused namely Ankit Bhadu (since deceased) and Gurinder Singh @ Ginda while armed with deadly weapons fired upon the Police party with intention to kill them and further made hostages two innocent girls living in the adjoining flat. Though trial in the case has already commenced, however, material prosecution witnesses are yet to be examined.

In view of above, there is no change in scenario after the dismissal of previous petition (CRM-M-3451-2020) moved by the petitioner for grant of regular bail.

As a sequel to above, instant petition for grant of regular bail moved by the petitioner, being devoid of merits, is dismissed.

(LALIT BATRA)
JUDGE

12.05.2022

VP/jitender

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No