

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

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**CRM-M-28693-2022
Date of decision: 13.07.2022**

PARMINDER SINGH @ PINDA

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. P.B.S. Goraya, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

VINOD S. BHARDWAJ. J. (ORAL)

1. 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.

2. 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 along with 05 cartridges of 7.65 MM.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. 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. He submits that similarly placed co-accused Amrik Singh has already been granted concession of regular bail vide order dated 15.03.2021 passed in CRM-M-31105-2020.

4. 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 pending against him and if he is released on bail he may indulge in similar offences.

5. 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. Further, a similarly placed co-accused Amrik Singh and Amritpal Singh have already been granted the concession of bail vide order dated 15.03.2021 passed by this Court in CRM-M-31105 of 2020 and

CRM-M-34169-2020 respectively, I deem it appropriate to enlarge the petitioner on bail to the satisfaction of the trial Court.

6. The instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

7. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

8. The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

The petition is allowed.

(VINOD S. BHARDWAJ)
JUDGE

JULY 13, 2022
vishal sharma

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>