

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

208

**CRM-M-53410-2021
Date of decision: 05.07.2022**

GURLAL SINGH

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

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

Present : Mr. Dilpreet Singh Gandhi, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

VINOD S. BHARDWAJ. J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.249 dated 27.07.2021 registered under Sections 307, 353, 186, 473, 420, 411, 201 and 34 of the Indian Penal Code, 1860 and Sections 25 (8), 25 (9) of the Arms Act, 1959 at Police Station Ajnala, District Amritsar

2. Briefly, the case of the prosecution is that when Inspector Mohit Kumar along with other police officials was present at a bridge of minor canal of village Chamiari in connection with Naka Bandi, an information was received that gangster Daya Singh @ Preet Sekhon @ Ladu son of Khazan Singh and Jarmanjit Singh @ Nikka Khanduria son of Paramjit Singh are in possession of illegal weapons and are in

the habit of committing crime and that they have kept concealed in the house of Mahinder Singh and their companion Gurlal Singh son of Major Singh (petitioner herein) is also present in his house. It was also informed that the accused persons are involved in large number of snatching, dacoity and murder and that one Lakhbir Singh @ Landa son of Naranjan Singh has also been helping them in commission of the offences. Upon receipt of the said secret information and the possibility of arresting the said accused in the event of raid being committed at the house of Mahinder Singh, the police party under the supervision of DSP Bikramjit Singh reached at the house of Mahinder Singh and asked them to surrender. The door of the house was knocked by Inspector Mohit Kumar whereupon one lady opened the door. The person who was standing on the door fired two gun shots from their pistols towards the Inspector with an intention to kill him and thereafter they entered in the House. The first gun fire shot hit on the iron gate and the second fired shot crossed over his head. After an announcement was made from the Gurudwara, the persons who were in the house surrendered themselves and threw their arms and came out of the house. Upon being interrogated they disclosed their names as Daya Singh @ Preet Sekhon @ Laddoo and Jarmanjit Singh @ Nikka Khanduria. Recovery of pistols and live cartridges was duly effected from their possession.

3. Learned counsel appearing on behalf of the petitioner submits that the petitioner has only been named in the said FIR because of the attribution that the petitioner was also present in the house of Mahinder Singh. He contends that the petitioner was not arrested from

the spot and nothing has been recovered from him. It is also contended that the averment in the secret information that multiple FIRs are pending against the petitioner is also incorrect and that there is only one another FIR bearing No. 106 of 2019 registered at Police Station Chattiwind Gate at Amritsar. He further submits that the petitioner has been in custody since 27.07.2021 and has already undergone a custody of merely 11 months. Investigation in the case is complete and that he is no longer required for further investigation in the matter.

4. Mr. Karanbir Singh, AAG, Punjab does not dispute the fact that the petitioner was not arrested from the spot and that no recovery was effected from him. It is also not disputed that only one case has been registered against him and that he has already been granted concession of bail in the said case. The challan in the present case already stands filed. It is further submitted that two witnesses out of total 14 witness have already been examined.

5. I have heard learned counsel appearing on behalf of the respective parties and have gone through the record with their assistance.

6. Without examining the merits of the instant case and taking into consideration, the allegations levelled against the petitioner and the absence of any recovery and the period of custody coupled with the stage of trial, I deem it appropriate to enlarge the petitioner on bail to the satisfaction of the trial Court.

7. 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.

8. 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.
9. 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 05, 2022
vishal sharma

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No