

221 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22833-2023
Date of Decision: 28.11.2023

Amanpreet Singh alias Ghaint ...Petitioner

VS.

State of Punjab ...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Gauravdeep Singh Dhaliwal, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.0189 dated 28.10.2022 registered under Sections 307, 353, 186 of IPC, Section 25 of Arms Act and Section 21 of NDPS Act at Police Station Mallanwala, District Ferozepur.

2. As per case of the prosecution, the petitioner was driving the motorcycle and Mandeep Singh was the pillion rider. On seeing the police party, Mandeep Singh alias Ghona had thrown a black coloured pouch towards fields. On suspicion, when the police party proceeded towards these accused to apprehend them, Mandeep Singh @ Ghona, co-accused, who was a pillion rider, fired shots from his pistol towards ASI Major Singh; however, ASI Major Singh did not suffer any gun shot injury. Both the accused were apprehended at the spot and five live cartridges of 315 bore were recovered from the conscious

possession of the petitioner, whereas, four live cartridges and one 315 bore country made pistol were recovered from Mandeep Singh @ Ghona. On search of the polythene bag (plastic wrapper), thrown by Mandeep Singh @ Ghona, 100 grams of heroin was recovered.

3. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case. He further contends that the story projected by the complainant regarding firing shots on the police party, is apparently false as no police official had suffered any injury in the said incident. Apart from that, only a recovery of five live cartridges was planted on the present petitioner. Learned counsel further contends that 315 bore country made pistol along with four live cartridges were recovered from Mandeep Singh @ Ghona. Even the plastic wrapper, containing 100 grams of heroin, was thrown by Mandeep Singh @ Ghona, co-accused. He next contends that the petitioner was arrested in the present case on 28.10.2022 and is in custody for the last one year and one month. He further contends that challan has already been presented in the present case and the conclusion of the trial may take quite a long time.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that there are serious allegations against the present petitioner. However, he submits that the petitioner is the first offender and was not involved in any other criminal activity.

5. I have heard the learned counsel for the parties and perused the record.

6. From the record, it is evident that the petitioner was arrested in the present case on 28.10.2022 and is in custody since then. Even five live cartridges were recovered from the petitioner, as per the prosecution story and the petitioner is the first offender. Still further, no contraband was recovered from the petitioner.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

(N.S.SHEKHAWAT)
JUDGE

28.11.2023

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