

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

1. CRM-M No.25937 of 2023

Harpreet Singh @ Happy

... Petitioner

Versus

State of Punjab

... Respondent

2. CRM-M No.27918 of 2023

Gurdeep Singh @ Deepa

... Petitioner

Versus

State of Punjab

... Respondent

Date of decision: 17th July, 2023

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Narinder K. Banka, Mr. G.S. Ghuman
and Mr. Shivraj Daumajra, Advocates for the petitioners.

Mr. Subhash Godara, Addl. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners in both the petitions detailed hereinabove are seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.0048 dated 21.03.2023 under Sections 109, 212, 216, 120-B IPC and sections 25/27/54/59 of the Arms Act, 1959 registered at Police Station Shahkot, District Jalandhar.

2. Learned counsel for the petitioners inter alia submit that there was not even any shred of evidence from which their involvement

could be shown or linked to the escape of Amritpal Singh, an accused in FIR No. 47 dated 21.03.2023 under Sections 386, 506, 148, 149 IPC and sections 25, 27, 54, 59 of the Arms Act, 1959 pertaining to Police Station Shahkot. Learned counsel has contended that it was on the basis of an alleged secret information that aforesaid Amritpal Singh after parking his vehicle, i.e. Brezza, bearing No. PB-2EE-3343, in a shed of a house at Village Nawa Quilla, had escaped on a motorcycle allegedly provided by the petitioners. Learned counsel have vehemently argued that the motorcycle, on which Amritpal Singh escaped, was neither owned by the petitioners nor its recovery ever effected, much less from their possession. Furthermore, the shed where the vehicle i.e. Brezza, used by Amritpal Singh while trying to evade the police, was parked, was neither owned by the petitioners nor were the petitioners living or were present anywhere in the said vicinity. Rather, the place from where the 'Brezza' along with arms and ammunition was recovered, belonged to co-accused Manpreet Singh @ Manna and the petitioners were in no way related or associated with him. Hence, there was no cogent evidence on record from which it could be even remotely inferred that the petitioners had either harbored Amritpal Singh or facilitated his escape in any manner. A prayer has been made to extend the concession of bail to the petitioners as the investigation is complete and after the presentation of challan, charges have not been framed, thus, the trial shall take considerable time to conclude.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Balbir Chand, has not been able to dispute that the motorcycle allegedly used by Amritpal Singh while making good his escape, was neither owned by the petitioners nor was recovered from either of them. It has also not been controverted that the petitioners are not involved in any other criminal case, much less a case of similar nature. Learned State counsel, however submits that both the petitioners along with their co-accused had tried to harbor a fugitive i.e. Amritpal Singh by providing a motorcycle to him. However, it has not been disputed by learned State counsel that the vehicle, i.e. Brezza, on which Amritpal Singh traveled before escaping on a motorcycle, was recovered from the premises of co-accused Manpreet Singh @ Manna and the petitioners were not residing in the said vicinity.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. The petitioners have been in custody since 21.03.2023. Investigation is complete as challan stands presented. There is no likelihood of the trial concluding in the near future as charges have not yet been framed. The petitioners are not involved in any other criminal case. In the facts and circumstances as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioners. Both the petitions, as such, are allowed and the petitioners

are admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

6. Needless to add here, in case the petitioners misuse the concession of bail, the State would be at liberty to approach this Court for cancellation of bail in the instant case.

(MANJARI NEHRU KAUL)
JUDGE

July 17, 2023
rps

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