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

201

CRM-M-34807-2021 (O&M)

Date of decision : 07.10.2023

Karandeep Singh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Sylvester Stephen, Advocate and
Mr. Amandeep Singh Sarna, Advocate
for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.0042 dated 24.04.2021, registered for the offences punishable under Sections 307, 186, 353 & 34 of IPC, 1860, Section 25 of Arms Act, 1959 and Sections 21 & 29 of NDPS Act, 1985 at Police Station Sadar Pathankot, District Pathankot.

2. As per the allegations levelled in the FIR, it has been alleged as under:-

“To the Incharge police station Sadar Pathankot, Sir, today I Inspector along with SI Baljit Singh No.735/SGR SI Surinder Pal Singh 668/GSP, ASI Darshan Lal 353/PTK, S/CT Vijay Gill 551/PTK, CT Roshan 574/PTK, CT Pardeep Kumar 968/PTK while riding the Govt. vehicle bearing registration No. PB35-Z-2067 being driven by ASI Vipin Kumar No. 85/PTK were checking

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vehicles while on duty in search of bad elements of the society on the bridge near bus stand Balsua near Jhako Laddi and started checking the vehicles approaching from Gurdaspur side when during the checking one I20 without number plate colour white, which was being ridden by three clean shaven young men, to whom, I Inspector signaled to stop, when the young boy sitting next to the driver pulled down the window of the car and pulled out one Dasti Pistol and fired shot at me with an intent to murder me, upon which I immediately ducked and he then fired another shot at me, which hit me upon my left shoulder and upon which the alleged people tried to escape with the car but ASI Vipin Kumar No.085/PTK with his intelligence pushed the Government vehicle in front of the car of the above said people upon which I Inspector with the help of my fellow officials first caught hold of the person who had fired shots and snatched the pistol held in his right hand and took it into custody, then the other two clean shaven men with the help of the fellow officials and then enquired for their names turn by turn, then the person who had fired shots disclosed himself to be Karandeep Singh son of Hardial Singh resident of Village Dhilwan, Police Station Kotli Surat Maliya, the driver of the car disclosed his name to be Hardeep Singh @ Sabba son of Manjit Singh resident of Mehma Chakk and the third person who was seated on the back seat disclosed his name to be Mandeep Singh @ Happy son of Palwinder Singh resident of Mehma Chakk police Station Kotli Surat Maliya, District Batala. The pistol taken into police custody was unloaded and two live rounds bearing mark

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7.65-KF were recovered from the magazine and the body of the pistol had marked 'Made in USA No-101' and upon searching the road, two shells were recovered bearing mark '7.65-KF' a separate memo was prepared for the pistol recovered from the spot and the magazine along with the one and two live rounds were put in a plastic box and a parcel was prepared, which was sealed with my stamp 'NS/1', the two empty rounds were taken into possession vide a separate parcel, which was sealed with my stamp 'NS/1'. Then I Inspector along with the fellow officials searched the car in the presence of the above said accused/s and during the checking, from the space between the two seats in front one polythene bag, black in color was recovered. Then I Inspector enquired from the above said accused/s about the contents of the polythene bag. Upon which the accused Karandeep Singh above said stated that it contains my medicines, when I Inspector tried to check the polythene bag, the above said Karandeep Singh again stated that it contains Heroin. When I Inspector checked the bag, it was found that the bag contained heroin, then I Inspector weighed the confiscated heroin upon an electronic scale and the weight of the same was found to be 265 grams, which was again put back in the black polythene bag and then procured in a plastic box and a parcel was prepared, then I Inspector sealed the plastic box with my stamp NS/1 and a sample stamp was prepared separately. Form No.29-M was prepared separately, the stamp after usage was handed over to SI Baljeet Singh No.735/SGR. The car without number plate branding I20 colour white was taken into

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possession as an evidence vide a separate memo. The accused Karandeep Singh S/o Hardial Singh R/o Village Dhilwan, Police Station Kotli Surat Maliya, Hardeep Singh @ Sabba son of Manjit Singh R/o Mehma Chakk, Police Station Kotli Surat Maliya, Mandeep Singh @ Happy son of Palwinder Singh resident of Mehma Chakk, Police Station Kotli, Surat Maliya, by opening fire at Police District Batala with an intent to murder them, keeping in possession one illegal pistol and 265 grams of heroin have committed offences U/s 307, 186, 353, 34 of IPC, 25-54-59 A.Act, 21, 29-61-85 NDPS Act. The report is being sent at the hands of CT Pardeep Kumar No.968/PTK to the police station for registration of FIR. Case be registered and the FIR Number be intimated. Special reports be prepared and produced into the service of the Senior Officials. Control room be intimated through wireless. I Inspector am investigating the matter at the spot. Today within the territorial limits of Bus Stand Balsua, Main GT Road at 7:40 PM Sd/- Navdeep Singh INSP, I/C Incharge CIA Staff, Pathankot dated 24.04.2021.”

3. Counsel for the petitioner submits that the concoction in the allegations levelled in the FIR is evident from the fact that there is no medical evidence to support the allegations with respect to hitting of fire shot alleged to have been fired by the petitioner on the body of Inspector Navdeep Singh. So far as the allegations with respect to recovery of 265 gms. of heroin is concerned, the same was recovered from car. Co-accused namely Mandeep Singh @ Happy and Hardip Singh @ Saba already stand admitted to bail by the Courts below.

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4. Petitioner is in custody for the last 02 years, 05 months and 12 days. Charges were framed way back on 18.02.2023 and out of 21 cited witnesses, none has been examined as yet.

5. Counsel for the State is not in a position to dispute the fact that indeed there is no medico legal evidence with respect to gun shot injury alleged to have been suffered by Inspector Navdeep Singh as per the allegations levelled in the FIR. However, he submits that the petitioner is habitual offender having been about 13 more cases against him. It is not disputed that the petitioner is not a prior convict under the NDPS Act.

6. Without commenting on the merits of the case, keeping in view the circumstances of the case especially the absence of the MLR and the fact that the co-accused already stand admitted to bail by the Courts below alongwith the period of incarceration already suffered by the petitioner, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned. However, in addition to conditions that may be imposed by the Trial Court/Duty Magistrate concerned, the petitioner shall remain bound by the following conditions :-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence oral or documentary during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence similar to the one alleged in the present case.

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- (v) The petitioner shall deposit his passport, if any with the trial Court.
 - (vi) The petitioner shall give his cellphone number to the police authorities and shall not change his cell-phone number without permission of the trial Court.
 - (vii) The petitioner shall not in any manner try to delay the trial.
7. In case of breach of any of the aforesaid conditions and those which may be imposed by the Trial Court, the prosecution shall be at liberty to move cancellation of bail of the petitioner.
8. Ordered accordingly.
9. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(PANKAJ JAIN)
JUDGE

07.10.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No