

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

CRM-M-31851-2023

Date of Decision: 21.08.2023

Manpreet Singh @ Bagga

.....Petitioner

Versus

State of Punjab

....Respondents

CORAM: HON'BLE MR. JUSICE HARNARESH SINGH GILL

Present: Mr. P.S. Hundal, Senior Advocate, with
Mr. Imaan Singh Khara, Advocate, for the petitioner.

Ms. Monika Jalota, Sr. DAG, Punjab and
Mr. Hakam Singh, AAG, Punjab.

Harnaresh Singh Gill, J.

Through this petition, the petitioner seeks regular bail in case bearing FIR No.27 dated 19.03.2023, registered at Police Station Mehatpur, District Jalandhar, under Sections 279, 188, 212, 216, 109 and 120-B IPC and Section 25 of the Arms Act, 1959.

In compliance with the order dated 27.07.2023 passed by this Court, an affidavit of Deputy Superintendent of Police, Sub Division Shahkot, District Jalandhar (Rural), filed by the respondent-State, is taken on record.

Learned Senior Counsel for the petitioner contends that all the offences, except the offence under Section 25 of the Arms Act, contained in the FIR are bailable and the petitioner has been in custody since 22.03.2023 and his custodial interrogation is no longer required. He would further submit that no fire arm had been recovered from the petitioner and therefore, no offence under the Arms Act is made out.

It is further submitted that the Police of P.S. Behram, District SBS Nagar, had arrested the petitioner vide DDR No. 24 dated 18.03.2023 at 6.51 a.m. along with Bhupinder Rai, Sarabjit Singh alias Sahbi, Prabhpreet and Jasbir Singh and had initiated proceedings under Sections 107/151 Cr.P.C. against all of them, whereas on the other hand, the Police of Police Station Mehtpur, District Jalandhar registered the present FIR on 19.03.2023 at 7.05 p.m. on the basis of a secret information, wherein the secret informer had informed the police that he had seen an abandoned car by Amritpal Singh on 18.03.2023, but could not inform the police on the said date as he had been busy in some other work. Learned Senior Counsel for the petitioner would vehemently argue that when the entire Punjab Police along with the Para Military Forces requisitioned from the Centre, had been on the hunt of Amritpal Singh, non-noticing of the abandoned car by the police on 18.03.2023 does not stand to common logic and thus, this creates a dent in the prosecution case.

On the other hand, the learned State Counsel submits that the petitioner is the one, who had harboured Amritpal Singh, who had been involved in creating a law and order situation in the Punjab causing an open threat to the security of the State and the car i.e. PB-10-FW-6797 used in the crime by said Amritpal Singh belongs to the petitioner and therefore, the petitioner cannot wriggle out of his role in the crime. It is further submitted that the petitioner is a member of 'Waris Punjab de' and is one of the close associates and

supporters of Amritpal Singh group and used to attend every programme with said Amritpal Singh. It is further submitted that merely because the offences in the present FIR are bailable, is no ground to grant any indulgence to the petitioner as he is involved in another case i.e. FIR No. 39 dated 24.02.2023 under Sections 307 353, 186, 332, 333, 506, 120-B, 427, 148, 149 IPC, Section 201 IPC added later vide DDR No. 233 dated 27.03.2023, at Police Station Ajnala, District Amritsar (Rural).

The learned State counsel would further argue that as Amritpal Singh, had been involved in the activities posing danger to the security of the State, any person harbouring him, would be considered at par and does not deserve any leniency. It is further submitted that the entire State administration had been put to jeopardy by the said anti social elements. She would further refer to the contents of FIR No. 39 (supra) to contend that the allegations in the said FIR against the accused, including the petitioner, are very serious and, therefore, the petitioner is not entitled to the concession of bail. It is yet further submitted that though the challan has been presented, yet charges are yet to be framed.

While countering the aforesaid submissions made by the learned State counsel, the learned Senior Counsel for the petitioner would submit that in FIR No. 39 (supra), the petitioner had been indicted later on, based on the information given by the secret informer. Still further, the learned Senior Counsel submits that the allegations in the present FIR are to be seen independent of those contained in FIR No. 39 (supra) and

therefore, merely because the said FIR is pending against the petitioner, cannot be a ground to deny the concession of bail to the petitioner.

There is no denying the fact that all the offences in the present FIR, except the offence under Section 25 of the Arms Act, are bailable. No recovery of fire arm has been effected from the petitioner. The role attributed to the petitioner in FIR No. 39 (supra) need not be commented upon. The allegations in the present FIR pertain to the alleged shelter/support given by the petitioner to said Amritpal Singh. The ownership of the car is not denied. Still further, no recovery is to be effected from the petitioner and his custodial interrogation in the present FIR is no longer required. As noticed above, the challan has been presented, but the charges are yet to be framed.

In view of the above, without commenting on the merits of the case lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on regular bail to the satisfaction of the trial Court/Duty Magistrate.

21.08.2023
ds

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No