

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

Sr. No.203

CRM-M-46786-2022 (O&M)

Date of decision : 05.01.2023

Balwinder Singh Billa

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. D.S. Pheruman, Advocate, for the petitioner.

Mr. G.S. Dhillon, AAG, Punjab

SUDHIR MITTAL, J. (Oral)

The petitioner seeks regular bail in case FIR No.184 dated 12.07.2022, registered at Police Station Jandiala, Amritsar, under Sections 393, 120-B, 307, 353 & 186 IPC and Section 25 of the Arms Act, 1959.

The contents of the FIR reveal that a police official received secret information that the petitioner and one more person are involved in snatching and possession of illegal weapons. Today, they are going on a motor-cycle without number and are armed. They are scouting around for snatching money. Thus, a *naka* was placed and the petitioner alongwith his co-accused were arrested. The petitioner also fired two shots at the police party.

Learned counsel for the petitioner has submitted that offence under Section 393 as well as Section 307 IPC is not made out. No injury was caused to any person. If at all, the only offence made out is that under Section 25 of the Arms Act, 1959. The petitioner has been in custody for more than 05 months. Although, the challan has been presented, prosecution

evidence has yet to commence. There is no other criminal case pending against the petitioner and thus, he may be granted regular bail.

Learned State counsel has opposed the grant of regular bail.

Custody certificate checked by Sh. Kulwinder Singh, Addl. SP of Central Jail, Goindwal has been filed in Court. The same is taken on record. A perusal thereof shows that the petitioner has undergone actual custody of 05 months and 22 days and there is no other criminal case pending/decided against him.

Considering the fact, *prima facie*, that no offence under Section 393/307 IPC is made out and that the trial is not likely to be concluded at an early date as well as the fact that the petitioner does not have any criminal antecedents, the present petition is allowed. It is directed that the petitioner be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

Nothing stated hereinabove shall be construed to be an expression of an opinion on the merit of the case.

(SUDHIR MITTAL)
JUDGE

05.01.2023
Ramandeep Singh

Whether speaking / reasoned

Whether Reportable

Yes / No

Yes/ No