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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47979-2022 (O&M)

Date of decision : 14.03.2023

Harbhej Singh @ Bheja

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Rishu Mahajan, Advocate for the petitioner.
Ms. Jasleen Kaur Sidhu, DAG, Punjab.

MANOJ BAJAJ, J.

CRM-198-2023

Application is allowed as prayed for.

Annexure P-3 is taken on record.

Main case

Petitioner has filed this second petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.103 dated 07.05.2019 registered under Sections 307, 353, 186, 224, 225, 411, 379-B, 34 and 120-B Indian Penal Code, 1860 and Sections 25 and 27 Arms Act, 1959 registered at Police Station City Kapurthala, Kapurthala, who is in custody since his arrest on 13.09.2020.

The allegations in the FIR as noticed by the learned Additional Sessions Judge, District Kapurthala in the order dated 26.09.2019 are as under:-

“The allegations as per the FIR are that C. Jatinder Singh No.1251, suffered statement to the effect that he is a Constable in Punjab Police. On 07.05.2019, he alongwith other police officials were deputed to produced three accused namely Vijay

Kumar son of Ramesh, Ajay Kumar son of Gurmeet and Harbhej Singh @ Bheja, before Medical Officer, for check up at Civil Hospital, Kapurthala. He handcuffed Ajay Kumar and Harbhej Singh @ Bheja collectively, whereas accused Vijay Kumar was handcuffed alone. When the police officials alongwith above stated accused reached at Civil Hospital, Kapurthala, on Canter bearing registration No.PB-09X-1780, it was about 1.30 p.m., he produced accused Vijay Kumar before Dr. Ravjit Singh and HC Bakshish Singh produced accused Ajay Kumar before Dr. Narinder Singh for check up, whereas Harbhej Singh @ Bheja was brought by Kehar Singh Driver to Dr. Ravjit Singh. C.Kehar Singh remained present near door and the Medical Officer was about to check Harbhej Singh @ Bheja, when they heard noise and started firing. When he came outside from the OPD room of Medical Officer, then C.Kehar Singh and other persons present there told that four young persons on two motorcycles bearing registration No.PB-02-DQ-6894 and motorcycle bearing registration No.PB-02-AY-5598 came there and after rescuing Harbhej Singh @ Bheja, alongwith handcuff and by firing in air managed to fled away from there alongwith Harbhej Singh @ Bheja. He handed over custody of Vijay Kumar to C.Kehar Singh and chased the abovestated accused. Three accused slipped away on Splendor motorcycle. Accused with intention to kill him, fired shots with revolver. In order to save himself, he also fired shots from the service revolver. One accused was apprehended at the spot. Revolver was snatched from his possession. In the meantime, HC Major Singh reached at the spot and nabbed another person, who after snatching Activa ran away from the hospital. Accused was apprehended at the spot, who fired at the police party and told his name as Sarwan Singh @ Sunny, whereas the other accused told his name as Manpreet Singh. Since the accused obstructed the police party while performing their duties and rescued jail inmates by firing shots with intention to kill the police party, so instant FIR was registered against the accused for the offences under Sections 307/353/186/224/225/ 34/379-B/120-B of IPC read with section 25/54/59 Arms Act.”

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the above FIR as at the time of occurrence, he was handcuffed and thus, was not in a position to fire any shot. He also submits that the petitioner never helped the co-accused in the incident, therefore, Section 307 IPC would not be attracted qua the petitioner. He has further drawn the attention of this Court to Annexure P-3 ie. various zimni orders to contend that the case is pending before the trial Court for consideration on

charge. According to learned counsel, the co-accused of the petitioner have already been granted the concession of regular bail, therefore, petitioner be released on regular bail.

Learned State counsel assisted by ASI Mangal Singh has opposed the prayer on the ground that the petitioner actually participated in the crime. She has further submitted that as the petitioner is involved in many other cases, therefore, he does not deserve the concession of regular bail. She on instructions states that charges are yet to be framed.

After hearing the learned counsel and considering the above background, this Court is not inclined to extend the concession of regular bail to the petitioner at the stage as the allegations against him in the FIR are of serious nature. Apart from it, the case of the petitioner is distinguishable from the other accused, who have been released on regular bail. Even the custody certificate filed by way of affidavit of Sh. Gurnam Lal, Superintendent of Central Jail, Ferozepur also shows that the petitioner is involved in other offences of serious nature.

Resultantly, without meaning any expression of opinion on the merits of the case, no case is made out for releasing the petitioner on regular bail.

Petition is dismissed

(MANOJ BAJAJ)
JUDGE

14.03.2023
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No