

2023:PHHC:152671

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

242

CRM-M-59436-2023

Date of decision : 30.11.2023

**Bittu @ Nirbhay Singh****..... Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Jitender Singh Dadwal, Advocate  
for the petitioner.

Mr. Jaswinder Singh Arora, DAG, Punjab.

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**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.42 dated 05.03.2023, registered for the offences punishable under Section 160 of IPC, 1860 and Sections 25, 27 and 54 of Arms Act, 1959 (Section 307 of IPC, 1860 added later on) at Police Station Beas, District Amritsar.

2. Reliance is placed upon order dated 21.11.2023 passed in CRM-M-57590-2023, whereby co-accused Judge @ Joga Singh stands admitted to bail, observing as under:-

“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.42 dated 05.03.2023, registered for the offences punishable under Sections 160 of IPC and Sections 25, 27 and 54 of Arms Act, 1959 (Section 307 of IPC added later on) at Police Station Beas, District Amritsar.

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2. FIR was registered on the secret information claiming that:-

“On dated 23.02.2023 at about 6-7 in the evening Bhupinder Singh Bhinda son of Baldev Singh, resident of Jawandpur P.S. Verowal 2. Bittu son of Dhanna resident of Mianwind, 3. Didar Singh @ Daari son of Gian Singh, resident of Baba Bakals Sahib, 4. Avtar Singh son of Ballu resident of Mianwind, 5. Judge resident of Miamwind and second party Pritpal Singh son of Dilbag Singh resident of Rampur Bhootwind P.S. Verowal, Prabhjeet Singh @ Prabh son of Jagjit Singh resident of Nathoke P.S. Verowal, Ajay pal Singh son of Chenchal Singh resident of Mianwind have raised hue and cry on the road going towards Raiye from Baba Bakala Sahib nearby house of Daari. Both of the parties fired with their weapons. Due to which atmosphere of fear have created. Pritpal Singh son of Dilbag Singh resident of Rampur Bhootwind P.S Verowal sustained bullet injuries and his companion admitted him at Capital Hospital Jalandhar. This information is true and reliable and above said persons committed an offence under sections 25-27-54-59 of Arms Act 160 IPC. Thus ruka is written and sent the same to P.S. through PHG Shaadi Lal 19853 for registration of case. Case number be informed after registering the case. Control room be informed through wireless.”

3. Counsel for the petitioner submits that even if the allegations as levelled in the FIR are taken on its face value, there is no overt act attributed to the

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petitioner to constitute offence punishable under Section 307 IPC. Petitioner is in custody since 26.04.2023 and has already suffered incarceration for more than 06 months and 28 days. Challan already stands presented. Thus, there cannot be any apprehension that the petitioner shall tamper with the evidence.

4. Learned State counsel, on instructions from ASI Kuldeep Singh, submits that the petitioner is habitual offender and is facing trial in FIR No.86 dated 27.10.2013, registered for offences punishable under Sections 21/61/85 of NDPS Act, at Police Station Dhilwan.

5. After hearing rival contentions of the counsel representing the parties, this Court is of the considered opinion that keeping in view the allegations levelled in the FIR, the role attributed to the petitioner and the incarceration suffered by the petitioner, the petitioner deserves to be released on bail.

6. Consequently, 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.

7. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.”

3. Counsel for the petitioner submits that there is no other case pending against the petitioner.

4. Counsel for the State does not dispute the aforesaid factual assertions based on record.

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5. Keeping in view the parity and the 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.
6. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)  
JUDGE

30.11.2023  
Dinesh

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