

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

CRM-M-6089-2024

Date of Decision:-09.02.2024

Ranjit Singh.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Harpreet S. Rakhra, Advocate for the Petitioner.

Mr. Harkanwar Jeet Singh, Assistant Advocate General, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.68 dated 12.09.2023 under Sections 307, 353, 186, 212, 216 IPC and Sections 25/27/54/59 of Arms Act registered at Police Station Mehta, District Amritsar.

2. The present FIR came to be registered at the instance of SI Himanshu Bhagat which reads as under:-

“ Today, I, SI/SHO alongwith ASI Balkar Singh 1068/ASR (R), HC Daljit Singh 468/ASR (R), S/CT Amarjit Singh 898AASR(R), CT Sursahib Singh 1818/ASR (R), CT Kawaljit Singh 450ASR(R), PHG Pawan Kumar 3009 alongwith vehicle ammunition as per the instructions of senior officials were present regarding special nakabandi at Batala road, Mehta Chowk and briefed the fellow persons personnel and after doing a nakabandi started checking the vehicles and when the checking was being done at the nakabandi then after some time one motorcycle without number marked hero Honda splendor colour black on

which one Sikh young man was seen coming from Rangar Nangal who was signalled to stop by me SI/SHO. Who on seeing the nakabandi of the police at once tried to take his motorcycle by reversing it, the motorcycle slipped and motorcycle driver after getting down from the motorcycle after throwing the motorcycle on the side of the road while running fired at the police party by taking out the pistol with intention to kill and I SI/SHO saved the police party with intelligence and fired with our government weapons and during firing, the person who had fired on the police party was hit on the right leg below the knee, on which the said young person fell in the fields who was apprehended by me SI/SHO alongwith fellow police personnel and took the pistol in his right hand under the police possession and the said recovered pistol was unloaded and one live cartridge and on emptying the magazine, one live cartridge was recovered, his name was asked. who disclosed his name as Amritpal Singh @ Fouji son of Major Singh resident of Malak Nangal, P.S. Mehta, District Amritsar and also told that I had also alongwith his fellow companions has snatched money from village Jalal petrol pump and had fired at the worker of the petrol pump in the foot and in Village Kohatwind had snatched Rs.1,20,000/- from the person dealing in collection of finance and my companion had fired at him in the foot. The accused Amritpal Singh alias Fouji whom the pistol was recovered alongwith live cartridge and motorcycle without number was taken into possession vide separate memo, on which SI/SHO took Amritpal Singh alias Fouji above said for first-aid after making the arrangement for the vehicle under the supervision of ASI Balkar Singh 1068 alongwith CT Gursahib Singh 1818, CT Kawarjit Singh 450 and was sent to Civil Hospital Baba Bakala. That the accused Amritpal Singh alias Fouji son of Major Singh resident of Malak Nangal, PS Mehta, District Amritsar by firing at the police on duty and for obstructing the government duty has committed an offence u/s 307, 353, 186, 25/27/54/59 Arms Act, so ruqa after writing be sent for registration of case and number of case be intimated and special reports be sent and officers be informed. I SI/SHo alongwith fellow police personnel is busy in investigation at the outskirts of area of Batala road, Mehta Chowk at 6.5 pm, Sd/- Himanshu Bhagat SI officer incharge PS Mehta, dated 12.09.2023."

3. During the course of the investigation it was revealed that the petitioner had harboured and concealed the co-accused.

4. The Counsel for the petitioner contends that he has been falsely implicated in the present case. He has no role to place in the commission of the offence and the liability if any is only under Section 212 and 216 IPC. As the petitioner was in custody since 15.09.2023 and none of the 15 prosecution witnesses had been examined so far, the trial of the present case was not likely to be concluded anytime soon and, therefore, the petitioner was entitled to the concession of bail.

4. The Counsel for the State on the other hand contends that the serious allegations had been levelled against Amritpal Singh and the present petitioner. Therefore, the nature of the allegations levelled against them did not entitle them to the grant of bail. He however, concedes that the petitioner has been *prima facie* found liable under Section 212 & 216 IPC, that he is custody since 15.09.2023 and none of the 15 prosecution witnesses have been examined so far.

5. I have heard learned Counsel for the parties.

6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is in custody since 15.09.2023 and none of the 15 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Ranjit Singh** son Sh. Dharam Singh is ordered to be released on bail subject to his furnishing bail bonds and surety

bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the present one.

9. If the petitioner or any of his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this Court.

10. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

February 09, 2023
Vinay

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No