

2024:PHHC:108555



219.

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

CRM-M-29566-2024

Date of decision: 22.08.2024

Honey Hans @ Palli

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Anantdeep Singh Sandhu, Advocate, for the petitioner.

Ms. Avneet, AAG, Punjab.

GURBIR SINGH, J.

1. This petition has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case FIR No.022, dated 21.01.2023, registered under Section 307 read with Section 34 IPC and Sections 25, 27 of Arms Act, at Police Station City Moga, District Moga.

2. The allegation against the petitioner is that on 21.01.2023, he along with co-accused Manjot Singh @ Fruity, fired gun shots at Sukhjinder Singh @ Sukh, complainant, when he was at the shop of his friend, with an intention to kill him at the instance of one Davinder Singh, Property Dealer, with whom the complainant has some dispute.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present FIR. Initially, the FIR, in question, was registered against unknown persons. Petitioner has been

nominated subsequently without any basis. Nothing is to be recovered from him. He is in custody since 14.02.2023. Challan has been presented and completion of trial will take long time. No useful purpose would be served by further incarnation of the petitioner.

4. Learned State counsel submits that though initially the FIR was registered against unknown persons but during investigation, the complainant identified the petitioner and his co-accused. She further submits that on 09.02.2023, one email was received from Sangrur police that the petitioner, Manjot Singh @ Fruity and Vishal Gill have been arrested in FIR No.13, dated 03.02.2023, under Section 25(7)(1) of Arms Act, Police Station City Dhuri and during investigation, the petitioner and his co-accused Manjot Singh @ Fruity have confessed that as per the direction of Davinder Singh, they conducted recce on splendor motorcycle and after that, they fired gun shots upon the complainant as there was some dispute between the complainant Sukhjinder Singh @ Sukh and Davinder Singh, Property Dealer. On the basis of said information, petitioner, Manjot Singh, Davinder Singh and Jagjit Singh @ Jaggi Dhillon, were nominated as accused vide DDR No.13, dated 09.12.2023.

4.1 Learned State counsel further submits that the petitioner is a habitual offender and is involved in five more cases. Challan has been presented and charges have been framed. Out of 8 witnesses, 2 have been examined.

5. I have heard the submissions of learned counsel for the petitioner, learned State counsel and have gone through the file.

6. Considering the fact that the petitioner is in custody for the last 1 year, 6 months and 8 days and completion of trial will take some time, this Court deems it appropriate to release the petitioner on regular bail.

7. Accordingly, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of concerned learned trial Court/Chief Judicial Magistrate/Duty Magistrate, with the further condition that he shall get his mobile number registered in the trial Court for receiving messages on CIS system and shall not change his mobile number during the pendency of the case. He shall also furnish his residential address to the trial Court as well as to the concerned police station and shall not change his residence without intimation to the concerned police station. In case of default, the trial Court is free to cancel the bail granted to the petitioner.

8. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case on the basis of material available before it.

(GURBIR SINGH)
JUDGE

August 22, 2024
sanjeev

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