

2024:PHHC:116541



214.

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

CRM-M-30517-2024

Date of decision: 05.09.2024

Harmandeep Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Amit Arora, Advocate, for the petitioner.

Ms. Avneet, AAG, Punjab.

GURBIR SINGH, J.

1. This is second petition that has been filed under Section 439 of Cr.P.C for grant of regular bail to the petitioner in case FIR No.6, dated 17.08.2016, registered under Sections 148, 149 of IPC, 1860 and Sections 25, 27 of Arms Act, 1959 (Section 307 IPC added lateron) at Police Station State Special Operation Cell Amritsar, District Amritsar.

2. The aforesaid FIR was registered on the basis of secret information regarding the clash of rival parties. Allegedly, there was cross fire between the parties, however, no person sustained injury.

2.1 Petitioner was arrested on 18.08.2016 and vide order dated 06.12.2016 passed in CRM-M-42753-2016 by this Court, he was released on regular bail, but during trial, he absented on 20.02.2023 and was declared proclaimed offender vide order dated 06.07.2023. Against the said

order, he approached this Court by way of CRM-M-17187-2023, however, vide order dated 01.08.2023, said petition was withdrawn. Thereafter, he filed CRM-M-1869-2024, which was dismissed vide order dated 25.01.2024. The petitioner surrendered on 11.03.2024 and since then, he is in custody.

3. Learned counsel for the petitioner argues that it is a case of no injury. Petitioner has been implicated in this case on the basis of disclosure statement of co-accused. He was not present at the spot. Learned counsel further argues that the co-accused the petitioner, namely, Mangal Singh @ Manga, Ranjodh Singh @ Sunny Zhama, Malkit Singh @ Nawab, Manpreet Singh @ Mony Raiya, Balwinder Singh @ Doni, Gaurav Sharma @ Goru Bachha and Bobby Malhotra @ Sagar, have already been granted bail vide orders dated 27.01.2017, 20.02.2018, 18.03.2019, 08.05.2019, 18.10.2019, 22.11.2019 and 09.10.2020 (Annexures P-3 to P-9 respectively). It is submitted that the petitioner is involved in three more cases under the NDPS Act, but in those cases, he is on bail.

3.1 Learned counsel for the petitioner further argues that since the petitioner was falsely implicated in another FIR No.21, dated 14.02.2023, under Section 21(c), 25, 29 of NDPS Act, 1985 and Section 25 of Arms Act, 1959 (Section 25 of Arms Act deleted lateron), Police Station City Patti, District Tarn Taran, so he absented during trial in the present case on 20.02.2023 and in order to evade his arrest, he availed the remedy of anticipatory bail petitions before this Court, but those were dismissed.

Petitioner himself surrendered on 11.03.2024 and since then he is in custody. Conclusion of trial will take long time. No useful purpose would be served by further incarceration of the petitioner.

4. Learned State counsel has opposed the bail to the petitioner by contending that the petitioner is involved in other cases as well. He is a member of a gang formed to commit heinous crimes. A country made pistol .315 bore along with 3 live cartridges of .315 bore were recovered from him. However, she has not disputed the fact that the petitioner is in custody since 11.03.2024 and his co-accused have already been granted bail vide various orders annexed as Annexures P-3 to P-9.

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 since 11.03.2024; his co-accused have already been granted bail; culpability of the petitioner would be determined during trial; 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 court. The court concerned may impose any other condition as it deems fit. 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

September 05, 2024
sanjeev

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