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

CRM-M-32890-2024

Date of decision : 19.09.2024

Varinder Singh @ Vicky and another

.....Petitioners

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Abhinav Singla, Advocate
for the petitioners.

Mr. J.S. Arora, D.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed by the petitioners under Section 439 Cr.P.C. praying for grant of regular bail in case FIR No.119 dated 07.07.2023, under Sections 307, 186, 352 & 34 IPC and Sections 25, 54, 59 of Arms Act, registered at Police Station Mataur, District Mohali, Punjab.
2. As per the facts of the case, the present FIR was lodged by Inspector Gabbar Singh wherein it was alleged that the police was in search accused in case No.118 dated 06.07.2023 under Sections 392 and 506 IPC and Sections 25-54-59 of Arms Act, registered at Police Station Mataur. At about 12:45 AM a white car numbered HR-26-CC-1827 coming from Chandigarh side was signaled to stop. However, the driver of the vehicle turned his vehicle then Inspector along with the Police party ran towards the vehicle. The person sitting on the driver seat opened fire on the police party with his weapon. In response to the same, the police also retaliated and two persons got out of the car and ran towards the park



side. One of the person fell at a short distance from the vehicle who had suffered the bullet injury on the left leg due to firing of shot by the police. They were arrested and on asking, it was found that the person who fired at the police was Gurmukh Singh @ Monty and rest of the two accomplices were Varinder Singh @ Vicky and Karan Singh (present petitioners). They were admitted in the hospital. On registration of the FIR, the investigation commenced. The petitioners approached the Court of Learned Additional Sessions Judge, SAS Nagar praying for grant of bail, however, the same was declined after hearing both the side by the Ld. Additional Sessions Judge vide order dated 10.11.2023. Aggrieved by the same, petitioners approached this Court praying for grant of bail.

3. Learned counsel for the petitioners has submitted that the present FIR and one another FIR No.118 dated 06.07.2023 was registered within a short span of time. It is submitted that the police falsely planted the case upon the petitioners. He submits that the petitioners filed the applications for grant of bail and the same were accepted by the Learned Additional Session Judge, SAS Nagar vide order dated 09.05.2024. Thus, it is evident that the petitioners are on bail in FIR No.118 dated 06.07.2023. It is submitted that in the present case the petitioners are behind bars since the date of arrest i.e. 13.07.2023. It is submitted that the petitioners have no criminal antecedents as they are involved in the present FIR as well as in FIR No.118 dated 06.07.2023 which was registered during this period only in which the petitioners, as submitted, are already on bail. He submits that investigation is complete and charges are framed. However, out of 18 prosecution witnesses, none has been examined so far. He submits that in the overall facts and circumstances of the present case, the petitioners deserve to be granted regular bail.



4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He submits that petitioners have opened fired on the police and in the occurrence they suffered injuries as well. However, he submits that in FIR No.118 dated 06.07.2023, the petitioners are on bail whereas in the present case, out of 18 prosecution witnesses, none has been examined so far.

5. Heard. On hearing counsel for the parties, it is deciphered from the facts of the case that the petitioners are behind bars since 13.07.2023. The allegations regarding firing at the police is qua the third accused, namely, Gurmukh Singh, so far petitioners are concerned there are allegation regarding firing on the police party. Out of 18 prosecution witnesses, none has been examined so far and in other case also the petitioners are on bail.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioners succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioners are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

19.09.2024
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(RAJESH BHARDWAJ)
JUDGE

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