



CRM-M-44924-2024

-1-

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

226

CRM-M-44924-2024

Date of decision: 1st October, 2024

Happy Singh @ Happy

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. K.S. Brar, Advocate for the petitioner.
Mr. Amandeep Singh, DAG, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed by the petitioner seeking grant of regular bail in case bearing FIR No. 66 dated 18.06.2024 registered under Sections 307, 323, 324, 336, 160, 148 and 149 of IPC, 1860 and Sections 25 and 27 of Arms Act, 1959 at Police Station Arniwala, District Fazilka.

2. Adumbrated facts as emanating from the record are that the aforementioned FIR was registered on the basis of statement recorded by ASI Mohinder Singh alleging therein that on the same day at about 12 PM, he was performing patrolling duty in the area of Dhani Ram Dakhi village Chahlawali, when a secret information was received that the present petitioner and co-accused who were also armed with weapons, along with 4-5 unidentified persons, had created nuisance in the area of Mandi Arniwala and while riding on their vehicles, they were following Gurpreet Singh son of Gurmeet Singh, resident of Mohammed Amira and Gurpreet Singh son of



CRM-M-44924-2024

-2-

Joginder Singh, resident of Kabulshah Khubban with an intent to kill them and were present on the link road leading from Village Chahlawali to Ghattianwali Jattan and were using firearms. Believing the secret information to be true, FIR was registered. Investigation proceedings were initiated. The petitioner was arrested on 03.08.2024. He moved an application for grant of regular bail which was dismissed by the Court of learned Additional Sessions Judge, Fazilka vide order dated 28.08.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was named in the FIR on the basis of some secret information. Infact, he was not at all present at the spot. Neither any injury has been attributed to him nor any recovery has been effected from him. Nineteen of the co-accused whose case is on similar footing have been extended benefit of anticipatory bail. Some co-accused have been extended benefit of regular bail. He is in custody since 07.07.2024. His custodial interrogation is no more required. Investigation and trial are likely to take time. No useful purpose would be served by detaining him in custody any more. Hence, it is urged that he deserves to be extended benefit of bail.

4. *Per contra*, learned State counsel who has advance notice of the petition and is ready to argue the matter, has submitted that there are serious allegations against the petitioner. The petitioner has criminal antecedents. Therefore, it is urged by him that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record.

6. As per the allegations, the petitioner along with the co-accused



CRM-M-44924-2024

-3-

formed membership of an unlawful assembly and in prosecution of common object of such an unlawful assembly, shots in air were aimed at with firearm and injuries were also caused to the members of the opposite party. The petitioner is in custody since 07.07.2024. His custodial interrogation is no more required. He was nominated as an accused on the basis of some secret information. No specific overt act has been attributed to him. His involvement in two other cases cannot be considered to be a ground for denying benefit of bail to him. It is well settled proposition of law that the bail is the rule and jail is an exception. His further detention in custody is not going to serve any useful purpose especially in the circumstance when most of the co-accused have been extended benefit of anticipatory/regular bail. On the ground of parity too, the petitioner deserves to be extended the same benefit. In view of these facts but without meaning to make any comment on the merits of the case, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court.

7. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

1st October, 2024

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*