

213 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47922-2023

Date of Decision:08.02.2024

Harpreet Singh alias Happy

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S. Shekhawat

Present : Mr. G.P.S.Ghuman, Advocate with
Mr. D.S.Virk, Advocate and
Mr. Mahender Kumar, Advocate
for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.305 dated 19.12.2021 registered cross-case under Sections 302, 307, 353, 186, 342, 332, 201, 148, 149, 107, 120-B of IPC and Sections 25-54-59 of Arms Act, at Police Station Kotwali, Kapurthala.

2. Learned counsel for the petitioner contends that on 18.12.2021, a mob had gathered in a Gurudwara, situated at village Nizampur, District Kapurthala and unidentified person was killed by the mob, at the instigation of Amarjit Singh. Learned counsel for the petitioner further contends that the petitioner was neither present at the spot nor had participated in the crime in any manner. Even, he was not arrayed as an accused in the first challan submitted by the police. However, during the later part of the investigation, it

was alleged that the petitioner was carrying a pistol and had fired a shot, but Inspector Prabhjit Singh, hit on his hand and the bullet had hit on the ground. Thereafter, the police had allegedly snatched the pistol from him and taking advantage of the crowd, he allegedly fled from the spot. Learned counsel for the petitioner contends that the petitioner was taken on production warrant from Rajasthan police, but no recovery was effected from the petitioner. He was arrested in the present case on 13.07.2022. By referring to the orders Annexures P-4 and P-5, learned counsel contends that Amarjit Singh and Barjinder Singh Parwana, another co-accused have already been granted the concession of bail by this Court and the custody of the petitioner will not serve any meaningful purpose.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner and submitted that the petitioner is facing four other cases and does not deserve the concession of bail.

4. In reply to the said submissions, learned counsel for the petitioner contends that the petitioner is on bail in all other cases.

5. I have considered the submissions made by learned counsel for the parties and perused the record. The petitioner was arrested in the present case on 13.07.2022 and the prosecution has placed reliance on 48 witnesses, however, no witness has been examined so far. Apart from that, as per the case of the prosecution, the petitioner had allegedly fired a shot, however, no one was injured because of the fire shot attributed to the present petitioner. Apart from that, other co-accused, Amarjit Singh and Barjinder Singh Parwana have

also been granted the concession of bail by this Court vide orders Annexures P-4 and P-5.

6. Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

- (i) *The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.*
- (ii) *The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*
- (iii) *The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.*
- (iv) *The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*
- (v) *The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*
- (vi) *In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move a petition for cancellation of bail granted to him.*
- (vii) *The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bail bonds and surety bonds of the petitioner.*

(N.S.SHEKHAWAT)
JUDGE

08.02.2024
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No