



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

222

CRM-M-49851-2024 (O&M)
Date of Decision: 16.10.2024

JOGINDER SINGH ALIAS DOGARPetitioner
VERSUS
STATE OF PUNJABRespondent

CORAM : HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Vikas Gupta, Advocate for the petitioner.

Mr. Amandeep Singh Samra, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant petition has been filed by the petitioner seeking concession of regular bail in case arising out of FIR No.280 dated 01.12.2022 under Sections 307, 120-B, 148, 149 IPC and under Section 25 (8) of Arms Act, 1959 at Police Station Chheharta District Amritsar on the basis of complaint lodged by SHO/Inspector Gurwinder Singh alleging therein that on the same day, he along with some other police officials was present at India Gate for patrolling when a secret information was received that the accused Baldev alias Ravi, Sarbjeet Singh alias Saim, Harman, Joginder Singh alias Dogar and the present petitioner were roaming in the area of Naraingarh Chheharta in an Innova Car bearing Registration No.PB-13-AR-1853. They were armed with dangerous weapons and were intending to commit some crime and could be apprehended. On receipt of this information, the police official immediately rushed towards the informed place after sending ruqa to the local police station.

2. As further alleged, the petitioner and the co-accused were found in the vicinity of the Naraingarh main market, Chheharta. They collided their



vehicle with the police officials and fled from the spot while firing shots with fire arms upon the police officials. One of accused namely Robin Singh was apprehended by the police officials. One pistol along with the five live cartridges was recovered from him. One 0.32 bore pistol was recovered from Innova Car. The accused Baldev Singh alias Ravi was apprehended from the area of Government Hospital. One 9 mm pistol and 05 live cartridges were recovered from him. The offence under Section 307 IPC was added. The co-accused Gurjinder Singh alias Billa and Varinder Singh alias Mitthu and Hardev Singh alias Gopi were arrested on 02.12.2022. Fire arms were also recovered from them. These accused suffered disclosure statement on the basis of which the present petitioner was also nominated as an accused. He was arrested on 01.12.2022. Investigation has since been completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not arrested from the spot. No injury had been sustained by anyone in the incident nor any specific act or injury has been attributed to him. A false recovery has been planted upon him. He has been implicated in this case on the basis of disclosure statement of the co-accused which cannot be considered to be admissible in evidence. He is in custody since 01.12.2022. The trial is likely to take time. He has been involved by the police in 07 other cases after registration of FIR of this case and is on bail in all such cases. Therefore, it is urged that he deserves to be released on bail.

4. *Per contra*, learned State counsel who has advance notice of the petition has submitted that there are serious allegations against the petitioner.



He has criminal antecedants since as many as 8 more criminal cases have been registered against him. There are chances of his absconding if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner and learned State counsel at considerable length.

6. The petitioner along with co-accused is alleged to have fired shots towards the police party as on 01.12.2022. No injury had been sustained by any police officials. Investigation has since been completed. Charges are yet to be framed. The trial is obviously going to take time. The registration of other criminal cases against the petitioner cannot be considered to be a ground to deny the benefit of bail in this case to the petitioner. Keeping in view the period of incarceration of the petitioner, the fact that the trial is likely to take time, the nature of allegations levelled against the petitioner and the above discussed facts and circumstances but without meaning to make any comment on the merits of the case, I am of the considered opinion that petitioner deserves to be released on bail. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. All pending application(s), if any, also stand disposed of accordingly.

16.10.2024
Deepak Patwal

(MANISHA BATRA)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No