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

**CRM-M-64713-2024 (O&M)
Date of decision : 25.02.2025**

Sandeep Singh @ Sandeep Kumar @ Sabi ...Petitioner(s)

Versus

State of Punjab ...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Ms. Navjot Kaur, Advocate for the petitioner.

Mr. J.S. Arora, DAG, Punjab,
assisted by ASI Mahesh Kumar.

RAJESH BHARDWAJ, J. (ORAL)

Present petition has been filed for grant of regular bail in case FIR No.137 dated 01.11.2022, under Sections 307, 353, 186, 148, 149 of the Indian Penal Code, 1860 and Sections 25, 27, 54, 59 of the Arms Act, registered at Police Station Bhogpur, District Jalandhar Rural.

2. Succinctly, the present FIR was lodged on the statement of Inspector Surinder Kumar, SHO, Phillaur, Jalandhar Rural, alleging that on 01.11.2022, he along with his Police party had raided the house of the co-accused in connection with the investigation of case FIR No.315 dated 28.10.2022, registered under Sections 379-B, 216-A IPC and Sections 25, 54, 59 of the Arms Act, at Police Station Phillaur, District Jalandhar, on the backside of HP Hamara Petrol Pump. A Police party from Delhi Police was also accompanying them. In the meanwhile, 5-6 unknown persons, who were armed with the weapons,



started firing at the Police party. In defence, the SHO fired 02 shots from his service pistol and 03 unknown persons started running from the spot while firing back at the Police party. With the help of a drone camera, they were searched and the Police Party was successful in arresting 03 accused, i.e. Sanjiv Kumar @ Nanu, Sandeep Kumar @ Sabi (Petitioner) and Gurbeer Singh @ Ginni. On conducting search of the petitioner, one .32 bore pistol was recovered from his left *dub* along with a magazine and on unloading, 03 live cartridges were found in the same. Similar recovery was effected from other 02 co-accused. The petitioner and co-accused were arrested on the spot. Upon registration of the FIR, investigation commenced. The petitioner approached the learned Additional Sessions Judge, Jalandhar praying for grant of bail, however, after hearing learned counsel for the parties, same was declined vide its order dated 22.02.2023. Aggrieved by the same, the petitioner approached this Court praying for grant of bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case. It is submitted that the case has been planted on the petitioner as no recovery, as alleged, has been effected from him. She further submits that even otherwise, the allegations are to the effect that the petitioner fired gunshots at the Police party, however, there is no injury caused to any of the Police personnel and as such, no offence under Section 307 IPC is made out against him. To buttress her arguments, she submits that the petitioner is behind the bars since 01.11.2022 and thus, he has suffered an incarceration of



more than 02 years. However, the prosecution is intentionally delaying the trial, only in order to prolong his incarceration. She submits that the petitioner is involved in other cases as well, but except one, he is on bail in those cases and in the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Status report by way of affidavit of Mr. Kulwant Singh, PPS, Deputy Superintendent of Police, Sub-Division, Adampur, District Jalandhar (Rural), filed by learned State counsel is taken on record. Copy thereof has been supplied to the counsel opposite. *Per contra*, learned State counsel, on instructions from ASI Mahesh Kumar, has opposed the submissions made by the counsel for the petitioner and submits that the petitioner along with co-accused had opened firing on the Police party and he was arrested on the spot along with the illegal weapon. He submits that the petitioner is a habitual offender as he is involved in other cases as well. He further submits that out of 13 prosecution witnesses, none has been examined till date. Learned State counsel has produced the custody certificate of the applicant/appellant in the Court today, which is taken on record.

5. After hearing counsel for the parties and perusing the record, it is deciphered that as per the case of the prosecution, petitioner along with co-accused fired at the Police party, however, there is no allegation that anyone suffered injury in the present case. The investigation is already complete and the charges are framed, however, out of total 13 prosecution witnesses, none has been examined as on date. The custody certificate shows that the petitioner has undergone



incarceration of 02 years, 03 months and 17 days as on 24.02.2025. Although, the petitioner is involved in other cases as well, however, this in itself cannot be a ground for his non-consideration in the present case. The Court cannot ignore the fact that petitioner is behind the bars for the last more than 02 years, however, the prosecution has not examined even a single witness.

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 petitioner succeeds in making out a case for grant of regular bail to the petitioner. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his 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.

7. In case the bail bonds are not furnished by the petitioner within a period of 07 days from today, then his further custody period after one week will not be counted in the present case.

25.02.2025
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(RAJESH BHARDWAJ)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No