

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

**CRM No. M-11037 of 2015
DECIDED ON: MAY 19, 2015**

GURPREET SINGH @ LAMBER

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Gaurav Chopra, Advocate
for the petitioner.

Mr. J.S. Sekhon, AAG, Punjab.

JASPAL SINGH, J.(Oral)

Instant petition has been preferred under Section 439 Cr.P.C. seeking bail to the petitioner in case FIR No. 18 dated January 20, 2010 under Sections 302, 307, 506, 148 and 149 IPC and Section 25 of Arms Act, 1959 registered at Police Station City Jagraon.

2. Briefly stated the case of prosecution, as unfolded by Harsimranjit Singh-complainant is that on January 20, 2010 at about 10 PM he alongwith Charanjit Singh @ Guron, his father Gurdeep Singh, Inderjit Singh, Baldeep Singh, Gurvinder Singh and Satnam Singh were coming towards Bus Stand Jagraon near Halwai Shop in connection with some domestic work. When a white colour Alto and Scorpio car came, from the car Gurpreet Singh armed with .12 bore gun, Jaspinder Singh armed with .12 bore gun, Gurpreet Singh @ Deepa, Gurpreet Singh @ Gopi, Satinder Pal

and Charanjit Singh armed with local pistol alighted. Jaspinder Singh raised a extortion “not to leave anyone” and Gupreet Singh @ Lamber (petitioner) armed with .12 bore gun fired at Hargunjeet Singh hitting on his head whereas Jaspinder Singh fired a gun shot at Inderjit Singh which resulted into infliction of injuries on his back as a result of fire arm injuries they both fell down. In order to save our lives they got on the side and all the above-mentioned persons accompanied by unidentified persons drove the car towards Moga Road. Hargunjit Singh and Inderjit Singh were rushed to Civil Hospital, Jagraon where, Hargunjit Singh was declared brought dead where Inderjit Singh was referred to DMC, Ludhiana for treatment. Even after the incident petitioner extended threats on his mobile phone No. 9888100751.

3. The contention of learned counsel for the petitioner is that petitioner has been falsely implicated in this case due to party fiction in the college where a presidential election was in progress. Neither he was present at the time of alleged occurrence nor he caused any injury to either deceased- Hargunjit Singh or Inderjit Singh. Moreover, petitioner has been facing agony of being in custody for a period of around 5 years. The occurrence took place on January 19, 2010 and challan was presented in the court of Jurisdictional Magistrate on April 13, 2010. Surprisingly a single witness has not been examined so far. Even, number of persons named by complainant in the instant case have already been found innocent by investigating agency and one of co-accused of petitioner has already been granted the concession of bail. Petitioner is also ready to abide by all other terms and conditions imposed by this Court, in case, he is granted the concession of bail.

4. Learned State counsel has strongly opposed the petition as well

as submission made by learned counsel for the petitioner submitting that an injury which proves fatal to the deceased has been specifically attributed to present petitioner.

5. This court has given an anxious thought to the submissions made by learned counsel for the parties and have minutely perused the record available on file.

6. As has been unfolded in foregoing paragraphs of this order, petitioner has been specifically named by complainant. He on the instigation of his co-accused Jaspinder Singh fired towards Hargunjit Singh-deceased hitting on his head as a result of which he fell down on the spot when he was rushed to Civil Hospital Jagraon, he was declared brought dead. The injuries were also suffered by Inderjit Singh with firearm. The mere fact that petitioner is behind the bars for the last 5 years does not *ipso facto* entitles him for the grant of concession of bail.

7. In view of seriousness and gravity of offences complained of as well as serious and specific attribution of petitioner, this Court does not deem it a fit case for the grant of concession of bail to the petitioner. Accordingly, instant petition is dismissed.

MAY 19, 2015
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(JASPAL SINGH)
JUDGE