

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

CRL. MISC. No.M-13201 OF 2015 (O&M)
DATE OF DECISION : 25th MAY, 2015

Sardara Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE SURINDER GUPTA

* * * *

Present : Ms. Satwant Mehta, Advocate for the petitioner.

Mr. Amritpal Singh Gill, Assistant Advocate General, Punjab

Mr. Abhinav Sharma, Advocate for the complainant.

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SURINDER GUPTA, J. (ORAL)

This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case bearing FIR No.69 dated 23.06.2014 registered for offences punishable under Section 302, 307, 341, 506, 427, 148 and 149 of IPC read with Section 25 and 27 of the Arms Act at Police Station Chohla Sahib, District Tarn Taran.

Heard.

On 21.06.2014 a dispute regarding taking of the tractor to the field of Joginder Singh @ Lala had taken place, which was settled through Panchayat. Again the matter was to be discussed on 23.06.2014 at 6.30 pm at farm house of Rajinder Singh son of the petitioner and brother of Joginder Singh. There, during the discussion, exchange of hot words took

place. As per the complainant, Sardara Singh-petitioner and his daughter-in-law-Sharanjit Kaur raised lalkara to teach a lesson to Surjit Singh with whom the dispute had earlier taken place. At this Joginder Singh @ Lala, Baldev Singh @ Deba brought out their DBBL 12 bore gun belonging to Shamsheer Singh @ Shera and fired two shots which hit Amandeep Singh son of the complainant and he got badly injured and fell on the kachha path. When Avtar Singh, Nirvail Singh and Harpal Singh all residents of Sheron tried to sped away from the spot on their motorcycle to save their life, Joginder Singh @ Lala and Avtar Singh came in their way and threw their motor cycle on the road. Joginder Singh fired two shots which hit Avtar Singh, Harpals Singh and Nirvail Singh. As per the complainant, accompish of Joginder Singh @ Lala and Baldev Singh @ Deba, Rajinder Singh, Sardara Singh, Bhupinder Singh @ Bhinder, Gurpreet Singh @ Gopi, Balla, Rana, Harcharan Singh @ Herry and Sharanjit Kaur surrounded Amandeep Singh and injured Avtar Singh, Harpal Singh, Nirvail Singh and restrained them from escaping. They were raising lalkara and threatening to kill them. Amandeep Singh on being taken to the hospital was declared dead.

Learned counsel for the petitioner argues that the role attributed to the petitioner is that he raised lalkara and then surrounded the deceased and the injured. The complainant has named several persons in the complaint thereby involving all the family members but on investigation the police has found many of them innocent.

Learned State counsel, on instruction from ASI Amrik Singh, has submitted that during the investigation by the Senior Superintendent of Police, Baldev Singh @ Bhupi, Bhupinder Singh, Harcharan Singh, Balla son of Gurdev Singh, Gurpreet Singh and Sharanjit Kaur wife of Joginder Singh have been found innocent and they have not been challaned.

The petitioner is 72 years of age. As per the complainant they have gone to the house of son of the petitioner for settling the dispute where during the discussion the matter got flared up. The petitioner has been attributed the similar role as attributed to Sharanjit Kaur and other persons, who have been found innocent.

Learned counsel for the complainant submits that further inquiry into the matter declaring the aforesaid six persons as innocent is being conducted by the police.

In view of the above facts, without commenting anything on merit of the case, this petition for regular bail is allowed. The petitioner-Sardara Singh is ordered to be released on his furnishing bail bond and surety bond to the satisfaction of learned Trial Court/Duty Magistrate, Tarn Taran, subject to following terms:

- (i) The accused shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (ii) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In

that eventuality the accused shall have to apply for bail afresh before the trial Court.

- (iii) He shall not leave the country without the previous permission of the Court.

25th May, 2015
'raj'

(SURINDER GUPTA)
JUDGE