

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

**CRM-M No. 16826 of 2015 (O&M)
Date of Decision: 10.09.2015.**

Dalbir Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. B.S. Jaswal, Advocate
for the petitioner.

Mr. Mikhil Kad, AAG, Punjab
for the respondent/State alongwith HC Manjinder Singh.

Mr. Harjeet Singh, Advocate
for the complainant.

JASWANT SINGH, J. (ORAL)

Prayer is for grant of regular bail in case FIR No. 39, dated 12.06.2012, under Sections 302, 307, 148, 149 and 120-B of IPC and Section 25/57-54-59 of the Arms Act, registered with Police Station Purana Shalla, District Gurdaspur (**Annexure P-1**).

As per the allegations in the FIR, complainant-Joga Singh alongwith his brother Bhupinder Singh, father Surinder Singh, cousin brother-Bikram Singh and Onkar Singh, were standing at the shops, when accused party came in two cars and after alighting, opened fire from their deadly weapons. The incident resulted into the death of Onkar Singh and injuries to the others.

It is contended that the petitioner was not initially named, however, his name was added by way of a supplementary statement by the complainant-Joga

Singh. The petitioner is also stated to have been initially found innocent in the police investigation, however, subsequently he was nominated as an accused in the supplementary challan, presented after almost ten months. He further states that the present petitioner is the father of one of the accused-Taranjot @ Dhanna and has been nominated as an accused with the aid of Section 120-B of the Indian Penal Code. It is further stated that co-accused-Amarjit Singh with similar role has since been granted regular bail by this Court vide order dated 15.05.2015 **(Annexure P-8)**.

The above facts have gone uncontroverted.

Learned State Counsel, on instructions from HC Manjinder Singh, concedes that the petitioner is in custody since 13.06.2013. He further states that two eye witnesses i.e. complainant-Joga Singh and Harbans Singh have since been examined.

Without commenting on the merits of the case, keeping in view the fact that no role except of conspiracy has been attributed to the petitioner, coupled with period of incarceration, this Court finds that the petitioner/accused-Dalbir Singh deserves the concession of regular bail and as such, he is ordered to be released on bail to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Gurdaspur.

September 10, 2015

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**(JASWANT SINGH)
JUDGE**