IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-28462-2015
Date of Decision : October 8th, 2015

Gamdoor Singh and others

.... Petitioners

Versus

State of Punjab .... Respondent

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN.

Present Mr. Jasdeep Singh Gill, Advocate,
for the petitioners.

Mr. A.S.Kler, DAG, Punjab,
for the respondent-State.

Mr. P.S.Guliani, Advocate,
for the complainant.

SHEKHER DHAWAN, J.

Gamdoor Singh and Jaspreet Singh alias Prince have applied for regular bail under Section 439 of the Code of Criminal Procedure in case bearing FIR No. 206 dated 24.12.2012 under Sections 302, 307, 452, 120-B, 109, 148 and 149 of IPC and Sections 25, 27 and 30 of Arms Act registered at Police Station Dirba, District Sangrur.

Learned counsel for the petitioners contended that the alleged occurrence relates back to 24.12.2012 and FIR was registered against 11 persons. The police, after investigation, submitted challan against six persons, whereas, five persons were declared Proclaimed Offenders. Both the petitioners were also declared as Proclaimed Offenders. Thereafter,

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the petitioners surrendered before the trial Court in compliance with order of this Court dated 23.04.2015 passed in CRM-m-12415-2015 [Annexure P/2] and they are in custody since 28.4.2015. After completion of investigation, the police submitted the final report on 12.7.2015.

Learned counsel for the petitioners also submitted that petitioner No.1, Gamdoor Singh had no occasion to remain away from the Court as he was working as a teacher and was in Government job and petitioner No.2, Jaspreet Singh is just a student. The role attributed to the petitioners is that they were armed with sword but allegedly no injury was caused with the said sword to the deceased [Hakam Singh] as the deceased had suffered fire arm injuries only which are not attributed to the petitioners but to Jasbir Singh, who opened fire from his gun. He has further submitted that the case of the petitioners is quite identical to the case of Shaminder Kaur and Randhir Singh, who after trial were acquitted by learned trial Judge vide judgment dated 17.12.2014 [Annexure P/1]. So, both the petitioners be released on bail.

Learned State counsel as also learned counsel for the complainant submitted that the petitioners do not deserve the concession of bail as they remained away from the Court and ultimately, they were declared as Proclaimed Offenders. Even lookout notices were issued against them. All the accused persons were armed with deadly weapons during night. The petitioners also raised lalkara and thereafter Hakam Singh was murdered in this case. So, the present bail application be dismissed.

Having considered rival submissions made by learned counsel for the petitioners and the fact that as per role attributed to the petitioners,

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no injury was caused by them to the deceased as Hakam Singh died because of gun-shot injuries caused by Jasbir Singh as also the fact that the role of the petitioners is quite identical to the role of Shaminder Kaur and Randhir Singh, who have already been acquitted after trial vide judgment Annexure P/1. Without expressing any opinion on the merits of the case at this stage as that would prejudice the case of either party and the fact that trial of the case still to take some more time, present petitioners namely, Gamdoor Singh and Jaspreet Singh alias Prince are ordered to be admitted to bail on their furnishing bail/surety bonds to the satisfaction of trial Judge.

Petition stands disposed of.

(SHEKHER DHAWAN)
JUDGE

October 8th, 2015
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