

CRM-M-30221-2014 (O&M)

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

**CRM-M-30221-2014 (O&M).
Decided on: January 16, 2015.**

Harpreet Singh @ Gandhi

..... Petitioner(s)

Versus

State of Punjab

..... Respondent(s)

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CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.D.S.Pheruman, Advocate,
for the petitioner.**

Mr.J.S.Brar, AAG., Punjab.

M.M.S. BEDI, J (ORAL).

Petitioner seeks concession of regular bail in a case registered at the instance of Rajwinder Singh alleging that one day prior to the occurrence father of the complainant Gurwinder Singh, had gone to the Dhaba run by Baj Singh, Harpreet Singh, Gurpreet Singh, Gulab Singh and petitioner and has forgotten his spectacles. Next day when he has gone to get his spectacles, there was exchange of hot words. Thereafter, on 5.9.2012 at about 11:30 PM, Baj Singh, Harpreet Singh, Gurpreet Singh, Gulab Singh and the petitioner came to the house of the complainant and Harjit Singh fired a shot with 12 bore gun hitting father of the complainant and the complainant. Brother of the complainant ran for the safety. Gurpreet Singh gave kirpan blow on the person of the deceased. The

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complainant was also injured. Harjit Singh had fired with 12 bore gun at the father of the complainant hitting him below the chest.

So far as the petitioner and Gulab Singh are concerned, they were armed with kirpan and datar but it is the specific case of the prosecution that no injury has been attributed to them.

State counsel has opposed the bail application contending that the petitioner being member of an unlawful assembly will be liable for the punishment with the main accused who have been attributed injuries and the role to kill the father of the complainant.

I have heard the learned counsel for the petitioner and carefully gone through the facts and circumstances of the case.

The petitioner has been in custody w.e.f. 27.9.2012. Complainant Rajwinder Singh has already appeared as a witness. Gulab Singh who had been attributed same role as being member of an unlawful assembly and having not attributed any injury, has been granted the concession of bail by this Court. Adopting the principle of parity, the petitioner can be granted the concession of pre-arrest bail.

Taking into consideration the stage of the trial and there being no chance of tampering with the evidence, the petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial

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Court subject to the conditions that he will not commit the similar offence of which he is accused of during the pendency of the trial and will not browbeat the witnesses.

January 16, 2015.
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(M.M.S. BEDI)
JUDGE