

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M No.37315 of 2014

Date of Decision:15.01.2015

Harpal Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR.

**Present: Mr.Vivek Goel, Advocate,
for the petitioner.**

**Mr.Gurinderjit Singh, Deputy Advocate General,
Punjab, for the respondent-State.**

**Mr.APS Deol, Senior Advocate,
with Mr.Arshdeep Singh Brar, Advocate,
for the complainant.**

MEHINDER SINGH SULLAR, J.(oral)

The petitioner has preferred the instant petition for the grant of concession of regular bail, in a case registered against him along with his other main co-accused, namely, Harpreet Singh, Gurpreet Singh sons of Karam Singh, Jaspreet Singh @ Jassa son of Gurdeep Singh, Angrej Singh @ Kala son of Charan Singh, Kulwant Singh @ Laddi son of Sadhu Singh and Iqbal Singh @ Raju son of Mohinder Singh etc., vide FIR No.102 dated 29.10.2012, on accusation of having committed the offences punishable under Sections 302, 506, 148, 149, 120-B IPC and Sections 25 & 27 of The Arms Act, by the police of Police Station Nihal Singh Wala, District Moga.

2. Notice of the petition was issued to the State.

3. After hearing the learned counsel for the parties, going through the record with their valuable assistance and deep consideration of the entire matter, to my mind, the present petition for regular bail deserves to be accepted in this context.

4. Precisely, the prosecution, *inter alia*, claimed that on 29.10.2012, main accused Harpreet Singh armed with 315 bore rifle and other accused Gurpreet Singh, Jaspreet Singh @ Jassa, Angrej Singh @ Kala, Kulwant Singh @ Laddi and Iqbal Singh @ Raju, armed with guns, came in front of the house of complainant-Kulwant Singh and asked his father Malkiat Singh, to come out from his house. Accused Jaspreet Singh @ Jassa raised a 'lalkara'. Then, main accused Harpreet Singh abused and fired a shot from his 315 bore rifle, which hit Malkiat Singh, father of the complainant, culminating into his death. Thereafter, the other co-accused Gurpreet Singh, Jaspreet Singh @ Jassa, Angrej Singh @ Kala, Kulwant Singh @ Laddi and Iqbal Singh @ Raju, were also stated to have fired the shots from their respective guns.

5. What cannot possibly be disputed here is that, neither the name of the petitioner is mentioned nor any particular role or injury is attributed to him in the FIR. He was subsequently involved in this case, in the wake of statement of PW Inderjit Singh, which is also to the effect that the petitioner has hatched a criminal conspiracy and promised to provide guns to the accused. In that eventuality, what is the evidentiary value, admissibility and acceptability of such statement of PW Inderjit Singh, relatable to the case of the petitioner, *inter alia*, would be a moot point to be decided after receipt of evidence of the parties during the

course of trial by the trial Court.

6. Be that as it may, the petitioner was arrested in this case on 21.11.2012. Since then he is in judicial custody and no useful purpose would be served to further detain him in jail. There is no history of his previous involvement in any other criminal case. The conclusion of trial will naturally take a long time.

7. In the light of aforesaid reasons, taking into consideration the peculiar facts & the special circumstances, emanating from the record, as discussed here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side during the course of trial of the main case, the instant petition for regular bail is hereby accepted. The petitioner is ordered to be released on bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court.

Needless to mention that, nothing observed here-in-above, would reflect, on merits in the trial of the main case, in any manner, as the same has been so recorded for a limited purpose of deciding the present petition for regular bail.

January 15, 2015
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(MEHINDER SINGH SULLAR)
JUDGE