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

**CRM-M No.43364 of 2014
Date of Decision: 25.03.2015**

GURPINDERJEET SINGH @ LALI

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Vipin Mahajan, Advocate
for the petitioner.

Mr. Arshdeep S. Kler, D.A.G., Punjab.

1. ***Whether Reporters of local papers may be allowed to see the judgment ?***
2. ***To be referred to the Reporters or not ?***
3. ***Whether the judgment should be reported in the Digest?***

RAJ MOHAN SINGH, J.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in cross-version of FIR No.1 dated 14.01.2011, under Sections 302, 307, 148, 149 IPC and Section 25/27 of Arms Act, Police Station Rangar Nangal, Batala, District Gurdaspur.

The aforesaid FIR was registered on the statement of Jasbir Kaur mother of the petitioner with the allegations that on Lohri festival she along with her son Gurbinderjit Singh @ Lali had gone to the house of Jasbir Singh. Her son Gurbinderjit Singh @ Lali and Jasbir Singh @ Jass were taking meal in the courtyard and light was on when at about 9-10 p.m. Gurdip Singh armed with gun, Sammi

armed with rifle, Daljit Singh armed with pistol, Bura empty handed along with 8-10 more persons duly armed with *daang*, *datar* and *kirpans* came in Indigo car and on motorcycles and forcibly entered in the house. After making *lalkara* by Bura, Gurdip Singh opened fire which hit the petitioner in his chest and on hand. When Jasbir Singh @ Jass and his wife Manjot Kaur came forward to save Gurbinderjit Singh, Sammi fired which hit them. On raising alarm all the assailants fled away from the spot. The FIR was registered under Sections 307, 452, 506, 148, 149 IPC and under Sections 25, 54 and 59 of Arms Act.

The aforesaid occurrence took place in the house of the complainant of the said case i.e. mother of the present petitioner.

In cross-version the statement of Gurdeep Singh @ Gurpreet Singh was recorded on 24.01.2011. According to cross-version, complainant was returning after celebrating Lohri festival in the house of Bura. They were crossing the village Chaudariwal (belonging to the petitioner) and when they reached near the house of the petitioner, then, at about 9.30/10.00 p.m. Jasbir Singh armed with .12 bore gun, petitioner Gurbinderjit Singh @ Lalli empty handed, Lala @ Sukwinder Singh armed with *kirpan*, Raghubir Singh armed with hockey and Jasbir Kaur empty handed were found standing along with two unknown persons. On seeing the complainant party in cross-version, petitioner raised *lalkara*. Jasbir Singh fired two shots, hitting the complainant Gurdeep Singh @

Gurpeet Singh and Jagdeep Singh @ Jaggu. Then allegation has been made that the petitioner took rifle from Jasbir Singh and fired two straight shots, hitting Harpal Singh @ Bhalla in his stomach. The injury to Harpal Singh @ Bhalla ultimately proved fatal and the cross-version was recorded under Section 302, 307, 148, 149 IPC.

Learned counsel for the petitioner states that the petitioner himself has received gun shot injuries on chest and hand and was hospitalised instantly and remained confined for more than 40 days in Hospital.

Learned counsel further states that in the prosecution case arising out of cross-version, Jasbir Singh is alleged to have fired two shots from the same gun (.12 bore) and there is no allegation that the gun was re-loaded thereafter before handing over to petitioner from which the petitioner is alleged to have fired again on the person of Harpal Singh @ Bhalla. Since it is a case of version and cross-version, therefore, receipt of fire arm injury by Harpal Singh from the weapons of his party cannot be ruled out.

Learned counsel also states that petitioner is in custody since 04.08.2012. Out of 20 witnesses 5 have been examined so far. No recovery of any weapon was effected from the petitioner. The trial may take some time to conclude.

In view of the above, without expressing anything on merits of the case, this Court is of the opinion that petitioner deserves to be enlarged on regular bail.

Accordingly, this petition is allowed.

Let the petitioner be enlarged on bail, subject to furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court.

Nothing expressed hereinabove would be taken to be an opinion on merits of the case.

March 25, 2015.

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**(RAJ MOHAN SINGH)
JUDGE**