

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

**CRM No.M-13646 of 2016 (O&M)
Date of Decision: 04.05.2016**

Chanpreet Singh @ Channa

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. J.B.S. Gill, Advocate for the petitioner.

Mr. K.D. Sachdeva, Additional Advocate General, Punjab.

Mr. Arvind Thakur, Advocate for the complainant.

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TEJINDER SINGH DHINDSA, J.

Petitioner seeks benefit of regular bail pending trial in case FIR No.39 dated 11.07.2013, under Sections 148/302/341/506/149/427 IPC and Sections 25/27 of the Arms Act, registered at Police Station Garhdiwala, District Hoshiarpur.

Counsel for the parties have been heard.

Deceased in the present case is Nishan Singh. As per prosecution version, the occurrence is alleged to have taken place on 10.07.2013. Complainant i.e. Satnam Singh, brother of the deceased stated that he along with Nishan Singh, wife of Nishan Singh, namely, Harpreet Kaur @ Preet and younger daughter, namely, Bantian had gone to the house of Jasbir Kaur for attending a function. While they were returning home during the late night hours, they were intercepted by a vehicle and out of which a number of persons came out, including the present petitioner. Specific allegations against the present petitioner are with regard to being armed with a *kirpan* and having damaged the vehicle. Attribution to co-

accused, Pardeep is of being armed with a pistol and having fired a shot which hit on the right side of the chest of Nishan Singh and who succumbed to such fire arm injury.

It has gone uncontroverted that deceased, Nishan Singh has suffered only one fire arm injury and which is specifically attributed to co-accused, Pardeep. Even though, the present petitioner was stated to be armed with a *kirpan*, but deceased is not stated to have suffered any other incised injury to have been caused with a sharp edged weapon.

Petitioner has been in custody since 05.09.2013.

Learned State counsel would oppose the present petition by stating that the fire arm used in the occurrence has in fact been recovered from the present petitioner.

Counsel appearing for the complainant, namely, Satnam Singh, however, has stuck to the initial version recorded i.e. of the petitioner having damaged the vehicle. He, however, opposes the present petition by stating that the occurrence is not on account of any fight at the spur of the moment but was in pursuance to a planned conspiracy whereby the deceased as also his close relatives, including the complainant and his widow, Harpreet Kaur @ Preet were intercepted while returning home.

Be that as it may, such issues would require examination based on evidence produced during the course of trial.

The petitioner has faced incarceration since 05.09.2013.

Court has also been apprised that in pursuance to an application filed under Section 319 Cr.P.C. having been allowed, certain other persons had been directed to face trial as additional accused. The trial, as such, would now start denovo and would take time to conclude.

In the totality of circumstances, the petitioner is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Hoshiarpur.

Disposed of.

04.05.2016

shubham

**(TEJINDER SINGH DHINDSA)
JUDGE**