

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

CRM-M No.13502 of 2015

Decided on: 11.01.2016

Rajwinder Singh @ Raja

. . . Petitioner

Versus

State of Punjab

. . . Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Bipan Ghai, Senior Advocate with
Mr. Paras Talwar, Advocate
for the petitioner.

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

Mr. Mohinder Kumar, Advocate
for the complainant.

TEJINDER SINGH DHINDSA, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. seeking the benefit of regular bail to the petitioner, pending trial, in case FIR No.39 dated 11.07.2013, under Sections 302, 341, 506, 148, 149 IPC and under Section 25 of Arms Act registered at Police Station Gardhiwala, District Hoshiarpur.

Counsel for the parties have been heard.

The deceased in the present case is Nishan Singh. As per prosecution version, the occurrence is alleged to have taken place on 10.07.2013. The complainant i.e. Satnam Singh, brother of the deceased, has stated that he along with Nishan Singh, wife of Nishan Singh namely Harpreet Kaur and Bantia, younger

daughter had gone to the house of Jasbir Kaur for attending a ceremony. While they were returning home during late night hours, they were intercepted by a vehicle and out of which number of persons came out including the present petitioner. Specific allegations against the petitioner are with regard to being armed with a *Kirch*. Present petitioner is alleged to have raised *Lalkara* and it was co-accused Pardeep armed with pistol, who opened fire and a shot hit on the right side chest of Nishan Singh, who succumbed to such fire arm injury.

It has gone uncontroverted that deceased Nishan Singh had suffered only one fire arm injury which is specifically attributed to co-accused Pardeep. As per prosecution version, even though the present petitioner was armed with *Kirch*, but deceased was not inflicted any injury with the same.

Petitioner has been in custody since 11.07.2013.

Learned counsel appearing for complainant would vehemently oppose the bail petition by stating that the petitioner owes allegiance to the ruling Akali party and is in a position to influence the course of trial as also to intimidate the witnesses.

In this regard, it would be apposite to refer to order dated 02.02.2015 passed by this Court in CRM-M No.3440 of 2015, wherein apprehension voiced by the counsel for the complainant was addressed and it had been directed that Satnam Singh, complainant as also Harpreet Kaur i.e. wife of the deceased would be granted security to ensure free and fair deposition in the Court.

As per counsel for the complainant, the scope of such order dated 02.02.2015 was limited in nature and such security cover would not be available for the forthcoming dates.

At this Stage, learned State counsel very fairly stated that even for the forthcoming dates, security would be provided to Satnam Singh as also Harpreet Kaur, who are material witnesses.

The threat perception voiced by the counsel for the complainant at the hands of present petitioner stands duly addressed.

It would also be pertinent to take note of another fact that upon an application under Section 319 Cr.P.C. having been filed certain persons who had been found innocent during the course of investigation have now been summoned as additional accused.

The trial, as such, would proceed denovo.

In the totality of circumstances and keeping in view circumstances noticed herein above and coupled with the length of incarceration already suffered by the petitioner, the petitioner is held entitled to the concession of regular Bail.

Petition is allowed.

Petitioner be enlarged on bail subject to the satisfaction of CJM/Duty Magistrate, Hoshiarpur.

[TEJINDER SINGH DHINDSA]
JUDGE

11.01.2016
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