

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-29400 of 2015

Date of decision:25.01.2016

Gurjant Singh @ Janta and another Petitioners

Versus

State of Punjab Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Rajesh Bhatheja, Advocate for the petitioners.

Mr. K.S. Sidhu, Deputy Advocate General, Punjab.

Jaswant Singh, J. (Oral)

Prayer is for grant of regular bail to the petitioners under Section 439 Cr.P.C in case FIR No.75 dated 5.8.2013 under Sections 302, 342, 324, 323, 148, 149 IPC at Police Station Nihal Singh Wala, District Moga.

In the eye witness account of complainant Jaswant Singh, on the morning of 4.8.2013 at around 6.00 A.M., when Karamjit Singh had gone to have a round of paddy fields, accused Amarjit Singh armed with a gandasa, his wife Rajwinder Kaur, accused Mohinder Singh armed with a kirpan, Kaka Singh, present petitioner No.2 armed with a dang, Gurjant Singh – petitioner No.1 armed with a gandasi came from the house of accused Amarjit Singh and launched an attack on Karamjit Singh. Mohinder Singh allegedly inflicted a sword blow on the left eye brow of Karamjit, Amarjit Singh gave a gandasi blow on the right hand of Karamjit Singh. Thereupon, all the accused jointly gave beatings to Karamjit Singh resulting into his death. The motive was that Karamjit Singh was looking after the land of the complainant having purchased from the Bua of accused

Amarjit Singh out of their joint land holding.

Learned counsel for the petitioners submits that the co-accused Amarjit Singh and Mohinder Singh, who are the main accused have been granted regular bail by this Court.

Learned State Counsel, assisted by ASI Balwinder Singh points out that the entire prosecution evidence in the present case is complete. He further submits that the main accused Mohinder Singh was found innocent and was only summoned as an additional accused on an application under Section 319 Cr.P.C and hence enlarged on bail. He further points out that while extending concession of bail to Amarjit Singh on parity of treatment with Mohinder Singh, it was not pointed out, as is reflected from the order dated 17.6.2015 that Mohinder Singh was enlarged on bail only because he was summoned as an additional accused, therefore, no parity of treatment could be placed either by the present petitioners or Amarjit Singh.

Without commenting on the merits of the case and keeping in view the nature of the offence, based on an eye witness account, no case for grant of regular bail is made out, moreso, when the entire prosecution evidence is over. Further, the parity as claimed by the main co-accused also is liable to be reconsidered.

This petition is dismissed.

Let a notice be issued to accused Amarjit Singh for 31.3.2016 for cancellation of his regular bail obtained without disclosing the fact regarding co-accused Mohinder Singh.

25.01.2016
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(JASWANT SINGH)
JUDGE