

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

105

CRM-M-31690-2016 (O&M).
Decided on: December 8, 2016.

Karamjit Singh @ Karandeep Singh and another

.. Petitioner(s)

VERSUS

State of Punjab

.. Respondent(s)

*** * ***

CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI

*** * ***

**PRESENT Mr.Veneet Sharma, Advocate,
for the petitioners.**

Ms.Simsi Dhir Malhotra, DAG., Punjab.

**Mr.Mohinder Kumar, Advocate,
for the complainant**

M.M.S. BEDI, J. (ORAL)

Petitioners seek concession of regular bail in a case which was registered at the instance of Simratpal Kaur alleging that her husband Tarandeep Singh had been called by his friend Amit Kumar on 29.6.2015, but later on her husband was found lying dead with burn injuries on the left side of his head.

Petitioners along with Sukhanpreet Singh @ Captain, Amit Kumar and Vikramjit were arrested in the case. The petitioners had allegedly made extra judicial confession before PW.6 Manmohan Singh who has been examined and the fact of petitioners being present on the spot is stated by PW.5 Kulwant Singh and PW.3 Randip Singh. A perusal of the record indicates that petitioners were allegedly present on the spot in second car when co-accused Amit Kumar and Vikramjit, fired at Tarandeep Singh,

deceased.

Counsel for the petitioners submits that similarly circumstanced co-accused Sukhanpreet Singh @ Captain has been granted the concession of pre-arrest bail.

In order to appreciate parity of co-accused Sukhanpreet Singh @ Captain with the case of the petitioners, I have gone through the motive and other evidence and I am of the opinion that Amritpal Singh petitioner no.2, is attributed motive which was not attributed to Sukhanpreet Singh @ Captain and Karamjit Singh @ Karandeep Singh. The case of petitioner no.1 Karamjit Singh @ Karandeep Singh, is at par with Sukhanpreet Singh @ Captain co-accused who has been granted the concession of bail as such, Karamjit Singh @ Karandeep Singh, can also be granted the concession of bail as chance of tampering with the evidence qua him is remote and he has not been attributed any specific injury and further he has been in custody w.e.f. 15.7.2015. His culpability with the aid of Section 149 IPC, has to be determined at the time of the trial.

Adopting the principle of parity with Sukhanpreet Singh @ Captain, petition qua petitioner no.1 Karamjit Singh @ Karandeep Singh, is allowed and he is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court whereas the petition qua Amritpal Singh petitioner no.2 is dismissed.

(M.M.S. BEDI)
JUDGE

December 8, 2016.
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Whether speaking / reasoned
Whether reportable:

Yes / No
Yes / No