

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

Date of Decision: June 3, 2016

1. CRM M-39548 of 2015

Gurbhej Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

2. CRM M-8292 of 2016

Ranjodh Singh @ Sunny

.....Petitioner

Vs.

State of Punjab

.....Respondent

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

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Present:- Mr.Ashok Saini, Advocate for the petitioner
In CRM M-39548 of 2015.

Mr.K.L.Chaudhari, Advocate for the petitioner in
CRM M-8292 of 2016.

Ms.H.K. Athwal, DAG, Punjab.

Mr. T.V.S. Lehal, Advocate for the complainant.

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M.M.S. BEDI, J.

This order will dispose of two petitions bearing CRM M-39548 of 2015 (third petition) and CRM M-8292 of 2016 (second petition) for grant of regular bail.

The FIR was registered at the instance of Baljit Singh alleging that on July 14, 2013 co-accused of the petitioners Sarabjit Singh and Gurmit Singh came near the transformer of the complainant and threatened his brother Harbhajan Singh to supply them electricity from their transformer and went away giving threats. On the same day, complainant along with his sons Amarbir Singh and Nirvair Singh and two others were present at the Dera when Sarabjit Singh, Gurmit Singh, Raghbir Singh, Kulbir Singh, Gurbhej Singh, petitioner armed with kirpan, rifles and pistol came there along with 15/20 unidentified persons and started raising lalkara and opened fire towards the complainant party due to which Amarbir Singh, son of the complainant received bullet injuries on his head and died.

Mr. K.L. Chaudhary, learned counsel for petitioner Ranjodh Singh has argued that the petitioner has been falsely implicated in the case as he is not named in the FIR nor any overt act has been attributed to him. The role of the petitioner is distinguishable. Motive attributed to the petitioner is that the complainant party had not permitted Sarabjit Singh and Gurmit Singh to use transformer for electricity by putting wire. He has relied upon orders passed qua Gurnonihal Singh, Davinder Singh and Balkar Singh who

have been granted concession of bail by the Sessions Judge. The role of the petitioner Ranjodh Singh is at par with his co-accused.

Against petitioner Ranjodh Singh, the prosecution appears to have recorded the statement of Harbans Singh who has stated that Sulpreet Singh had come to him and confessed that he along with petitioner Ranjodh Singh and others had after procuring weapons, committed the murder on asking of one Shamsher Singh.

So far as petitioner Gurbhej Singh is concerned, he was armed with pistol and fired towards the complainant which did not hit any one. It is contended by counsel for the petitioner Gurbhej Singh that Raghubir Singh is the main accused who had fired at the head of the deceased. The main accused who has been attributed injury on the head of the deceased is an absconder. The statements of material witnesses have been recorded.

I have considered the contentions of counsel for the petitioners that they have been involved in the case being related to Raghubir Singh, the main accused. I have gone through the police file and find that the allegations against Gurbhej Singh are that he was instrumental in calling all the accused and having master minded the incident. He remained an absconder for a long time. The culpability of Ranjodh Singh, petitioner appears to be slightly less than that of Gurbhej Singh and at par with the co-accused who have been granted the concession of bail. The statements of material witnesses have been recorded and the chances of tampering with the evidence are remote.

The petition bearing CRM M-8292 of 2016 filed by Ranjodh Singh @ Sunny is allowed. Petitioner Ranjodh Singh is ordered to be released on bail on his furnishing bail bonds/ surety bonds to the satisfaction of the trial Court.

Petitioner Gurbhej Singh was allegedly armed with pistol and had allegedly fired along with Kulbir Singh as such no ground is made out to grant the concession of bail to petitioner Gurbhej Singh. The third petition bearing CRM M-39548 of 2015 filed by Gurbhej Singh is thus dismissed. However, a direction is issued to the trial Court to make earnest endeavour to conclude the trial within a period of three to six months.

June 3, 2016
sanjay

(M.M.S.BEDI)
JUDGE