

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

**CRM No.M-16719 of 2017
Decided on: 25.05.2017**

Karan Partap Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. M.S. Basra, Advocate for the petitioner.

Mr. Ankur Jain, AAG, Punjab.

Mr. Nandan Jindal, Advocate for the complainant.

REKHA MITTAL, J.

The petitioner prays for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.51 dated 28.02.2016, for offence punishable under Sections 302, 354 read with Section 34 of the Indian Penal Code, 1860 (in short 'IPC') and 25/27 of the Arms Act registered in Police Station Civil Lines, Batala, District Gurdaspur.

Counsel for the petitioner has submitted that as per allegations raised in the FIR, the petitioner took out a revolver and handed it over to Parminder Singh @ Manna who fired a shot at Rupinder Kaur wife of complainant – Sukhdev Singh. It is further submitted that unfortunate occurrence in question took place when Sukhdev Singh and his family as well as the accused had gone to attend Shagun ceremony of Rajbir Singh son of Sarwan Singh on 28.02.2016 in Dhindsa Marriage Palace, Batala. It is further submitted that Sukhdev Singh was examined before the trial Court and he has not

attributed any overt act to the petitioner with regard to handing over the revolver to Parminder Singh @ Manna who purportedly fired a shot towards Rupinder Kaur which hit on the left side of her head. It is further argued that material witnesses in the case have already been examined but conclusion of the trial may take some more time.

Counsel representing State of Punjab has submitted that the first occurrence constituting offence under Section 354 IPC occurred at 02:30 PM when Parminder Singh @ Manna, Dilbagh Singh @ Bagha and Karan Partap Singh @ Karan (petitioner herein) teased wife of the complainant – Rupinder Kaur (since deceased) when she had gone to buy balloons for her children near the main gate of the palace. For the second time at about 03:30 PM, the aforesaid persons raised lalkaras. Dilbagh Singh @ Bagha said “*what are you waiting for, they have insulted us.*” In the meanwhile, Karan Partap Singh @ Karan took out a revolver, handed it over to Parminder Singh @ Manna and he fired a shot at Rupinder Kaur which hit on left side of her head and proved fatal. It is argued with vehemence that in view of gravity of offence attributed to the petitioner, he does not deserve to be enlarged on bail particularly in the circumstances that the prosecution is likely to close its evidence within a short span of time.

Counsel for the complainant has echoed the arguments advanced by counsel for the State with the submission that out of 06 witnesses that remain to be examined, 02 are bound down for 30.05.2017 and the prosecution is likely to conclude its evidence shortly.

I have heard counsel for the parties, perused the paperbook

and the police records.

The petitioner has been attributed a specific role both in regard to the occurrence that took place at 02:30 PM with regard to teasing Rupinder Kaur as well as the occurrence that happened at 03:30 PM. All the three accused came together, started raising lalkaras, Dilbagh Singh extorted others, the present petitioner took out a revolver but shot was fired by Parminder Singh @ Manna. Admittedly, the material witnesses in the case have already been examined. The prosecution undertakes to conclude its evidence within a short span of time.

In view of the above, without commenting upon merits of the case, in case the prosecution fails to conclude its evidence by 30.07.2017, without any fault attributable to the petitioner, the petitioner shall be released on bail subject to satisfaction of the trial Court. In case he is released on bail, he shall abide by the following conditions:-

- (i) He shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade his/her from disclosing such facts to the Court or to any police officer; and*
- (ii) He shall not leave India without the previous permission of the Court.*

25.05.2017
yakub

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No