

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

**1. CRM-M-28806 of 2017
Date of Decision: 12.09.2017**

Sukhdeep Singh @ Jagga

....Petitioner

VERSUS

State of Punjab

....Respondent

2. CRM-M-31960 of 2017

Harpreet Singh @ Happy and others

....Petitioners

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. L.S. Sidhu, Advocate
for the petitioners in both the petitions.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

Mr. A.S. Mann, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

Present petitions have been filed under Section 439 Code of Criminal Procedure for grant of regular bail to petitioners in case FIR No. 80 dated 27.08.2016 registered for offences punishable under Sections 302, 120-B, 148 read with Section 149 of Indian Penal Code (for short, "IPC"), at Police Station Bareta, District Mansa. (Offence punishable under Section 323 IPC was added later on).

Heard.

As per case of prosecution, the occurrence took place on 26.08.2016 in which injuries were caused to Parminder Singh and Daljit Singh @ Gaggi @ Ford. While Daljit Singh @ Gaggi @ Ford died because

of injuries received by him, injured-Parminder Singh was taken to hospital on the next day. His statement was recorded on 30.08.2016, wherein he named six persons alongwith petitioner, who had caused him injuries but stated that he could not identify remaining assailants due to darkness. It was at later stage on the basis of secret information received by the police and on extrajudicial confession of petitioner before Malkiat Singh on 28.09.2016, the petitioner was nominated in this case.

Petitioner-Sukhdeep Singh @ Jagga (in CRM-M-28806-2017) was named by the injured-Parminder Singh in his statement dated 30.08.2016, wherein he stated that he could identify him in the light of motorcycle and has attributed injuries on his person and also on the person of deceased.

Learned counsel for petitioners submits that though petitioner-Sukhdeep Singh @ Jagga (in CRM-M-28806-2017) is named in the FIR but petitioners, namely, Harpreet Singh @ Happy, Jagsir Singh son of Bhola Singh, Gurpiar Singh and Gurpiar Singh @ Pidli (Bhindi) son of Shamsher Singh (in CRM-M-31960-2017) were not named in the FIR. They were nominated on the basis of secret information and extrajudicial confession made before Malkiat Singh. Their co-accused Balwinder Singh @ Kokli, who was also not named in the FIR and was nominated on the basis of secret information and extrajudicial confession before Malkiat Singh, was allowed regular bail vide order dated 19.07.2017 passed in CRM-M-12045-2017. Regarding the role of petitioner-Sukhdeep Singh @ Jagga in CRM-M-28806-2017, learned counsel for petitioners has argued that though he has been named in his statement by injured-Parminder Singh but no specific injury has been attributed to him.

Firstly, I take petition (CRM-M-31960-2017) filed by Harpreet Singh @ Happy and others. On perusal of paper-book and police file, I find that their case/role is similar to the case of co-accused-Balwinder Siingh @ Kokli, who was also not named in the FIR and was nominated on the basis of secret information and extrajudicial confession before Malkiat Singh. Petitioners, Hapreet Singh @ Happy and others, were named in the second statement of injured recorded on 25.09.2016. Against petitioner no. 1-Harpreet Singh @ Happy (in CRM-M-31960-2017) evidence is that his motorcycle was used in the crime. In the case of co-accused-Balwinder Singh @ Kokli, Maruti SX4 car of his father was used in the occurrence.

Keeping in view of above facts and applying the principle of parity, petition (CRM-M-31960-2017) is allowed and petitioners, namely, Harpreet Singh @ Happy, Jagsir Singh son of Bhola Singh, Gurpiar Singh and Gurpiar Singh @ Pidli (Bhindi) son of Shamsheer Singh are ordered to be released on regular bail on furnishing bail bonds and surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) Petitioners shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of their absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel their bail bonds and surety bonds and proceed to procure their presence in accordance with law. In that eventuality petitioners shall have to apply for bail afresh.

- (c) They shall not leave the country without the previous permission of the Court.

Petitioner-Sukhdeep Singh @ Jagga (in CRM-M-28806-2017) was named in the statement of injured recorded on 30.08.2016, when he was declared fit to make statement. He has specifically stated that in the light of motorcycle he could identify Balwinder Singh @ Bittu son of Chand Singh, Leela Secretary, Satguru Member @ Dhiana, Satnam son of Leela Secretary and Avtar Singh Tari and Jagga, (nephew of Bhura Pradhan). He has further stated that all the aforesaid persons caused injuries to him and deceased-Daljeet Singh @ Goggi @ Ford and were proclaiming that they will not spare complainant (injured-Parminder Singh) and deceased-Daljeet Singh. Thereafter, he became unconscious.

Keeping in view direct evidence against petitioner-Sukhdeep Singh @ Jagga in CRM-M-28806-2017 and nature of offence committed by him, I find no reason to extend the benefit of grant of regular bail to him at this stage, as such, his bail application is dismissed.

September 12, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No