

CRM-M-31125-2017(O&M)
Date of Decision: 31.08.2017.

Gurpartap Singh and anotherPetitioners
Versus
State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr.K.S. Brar, Advocate
for the petitioners.

Mr. Kirat Singh Sidhu, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No.7 dated 14.01.2016, under Sections 148, 149, 449, 302, 307 IPC and Section 27 Arms Act, registered at Police Station Harike, District Tarn Taran.

It is submitted on behalf of the petitioners that as per FIR, petitioner No.2-Pritam Singh was allegedly armed with .32 bore pistol and petitioner No.1-Gurpartap Singh was allegedly armed with a *Kirpan*. It is further alleged in the FIR that a *lalkara* was raised by Kuldip Kaur and Manna provoked Bohar Singh to fire a shot at Gursewak Singh, which proved to be fatal injury. Similarly, Dilbag Singh, co-accused fired shot with his .12 bore gun at Jasbir Singh, which hit on the different parts of his body and the remaining persons are also stated firing shots. It is, thus, submitted that no specific injury is attributed to the petitioners. Learned counsel for the petitioners further submits that co-accused i.e. Jagir Singh has been granted concession of regular bail vide order dated 20.02.2017 passed in CRM-M-44573 of 2016 and co-accused Nirmal Singh @ Nimma

@ Balwinder Singh have been granted concession of regular bail, vide order dated 21.03.2017 passed in CRM-M-8474 of 2017. It is also submitted that during the course of trial, all the material prosecution witness has been examined and they have not supported the prosecution version. Counsel for the petitioners has relied upon the statement of PW1-Mahavir Singh, PW2-Jasbir Singh and PW3-Baltej Singh, PW-4 Jagpreet Singh, statements are attached as Annexure P-1, collectively.

On the other hand, the learned State counsel, on instructions from ASI Lakhbir Singh, has not disputed the fact that eye-witnesses have not supported the prosecution version.

Without commenting on the merits of the case, the present petition is allowed. Petitioners be enlarged on regular bail subject to their furnishing bail / surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, Tarn Taran.

(ARVIND SINGH SANGWAN)
JUDGE

August 31, 2017
Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No