

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

**CRM No. M-31955 of 2017
DECIDED ON: SEPTEMBER 22, 2017**

JASWANT SINGH

....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Ms. Satwant Mehta, Advocate
for the petitioner.

Mr. Manoj Bajaj, Addl. AG, Punjab.

JASPAL SINGH, J (ORAL)

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for brevity 'Code') by Jaswant Singh seeking regular bail in case FIR No. 137, dated June 29, 2011, under Sections 302, 307, 427 and 34 IPC read with Section 25 and 27 of Arms Act, registered at Police Station Patti, District Tarn Taran, during the pendency of trial.

2. The contention of learned counsel for the petitioner is that all the other accused who had allegedly caused burn injuries to the deceased as well as the co-accused namely Gurpartap Singh who had allegedly fired shots towards the injured Gurjit Singh and Gursewak Singh who were summoned by learned trial Court under Section 319 of the Code to face trial, have already been

granted the concession of pre-arrest bail and the role attributed to the petitioner is almost similar and is not distinguishable from the role attributed to his co-accused Gurpartap Singh. Thus on the doctrine of parity, petitioner is also entitled to the concession of bail.

3. Learned counsel for the petitioner further contends that otherwise also allegation against the petitioner is that he fired shots towards Dilbagh Singh, which resulted into causing an injury in his abdomen. But since the other co-accused have already been granted the concession of bail or pre-arrest bail, petitioner also deserves to the same concession, especially in view of the fact that he is behind the bars for the last more than four years. The trial is also proceeding on a snail pace. Petitioner also undertakes to abide by all the terms and conditions imposed by this Court, in case he is granted the concession of bail.

4. On the other hand, learned State counsel has strongly resisted the grant of bail to the petitioner on the ground that there are serious and specific allegations against the petitioner that he fired shots towards Dilbagh Singh, which resulted into causing injury in his abdomen. Moreover, all the material witnesses have already been examined and the trial is likely to be concluded in a short span of time. However, the fact that petitioner is behind the bars for the last more than four years could not be disputed by learned State counsel. Accordingly, he prayed for dismissal of instant petition.

5. After bestowing due consideration to the rival submissions made by learned counsel for the parties and appraisal of documents as well as considering the attribution made to the petitioner, this Court does not find it a fit

case to extend the concession of bail to the petitioner. There are serious and specific allegation against the petitioner that he fired shots at the time of occurrence and one of those shots hit in the abdomen of Dilbagh Singh, besides sustaining of injuries by some other persons also and one of their companion namely Bagicha Singh lost his life in the occurrence. Thus, prima facie particeps criminis of the petitioner is established, especially from the various allegations contained in the FIR. Thus, it would not be desirable to grant him the concession of bail.

7. Accordingly, instant petition is dismissed. However, taking into consideration the fact that petitioner is behind the bars for the last more than four years, learned trial Court is directed to take up the trial on priority basis and shall make an endeavour to conclude the prosecution evidence at the earliest but not beyond the period of four months from the date of receipt of certified copy of this order. The Senior Superintendent of Police, Tarn Taran is also directed to secure the presence of witnesses who remained to be examined, before trial Court, so that the trial could be disposed of.

SEPTEMBER 22, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned ***Yes/No***

Whether reportable ***Yes/No***