

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

**1. CRM-M-3985 of 2017
Date of Decision: 09.10.2017**

Moti LalPetitioner

VERSUS

State of PunjabRespondent

2. CRM-M-5798 of 2017

Pal RamPetitioner

VERSUS

State of PunjabRespondent

3. CRM-M-5153 of 2017

Surinder SinghPetitioner

VERSUS

State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Karanvir Singh Khehar, Advocate
for the petitioners in all the petitions.

Mr. V.G. Jauhar, Sr. D.A.G. Punjab.

Mr. Anil Kumar Spehia, 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 the petitioner in case FIR No. 205 dated 05.11.2015 registered for offences punishable under Sections 302, 307, 326, 323, 324, 148, 149 read with Section 120-B of Indian Penal Code (for short, "IPC") and 25/27 of the Arms Act at Police Station Sadar

Jalandhar, District Jalandhar.

Heard.

CRM-M-3985-2017

Learned counsel for petitioners has sought bail for petitioner-Moti Lal on parity with Kamaljit and Thakur Dass, who have been allowed regular bail by this Court vide orders dated 06.10.2016 and 12.07.2016 passed in CRM-M-34736-2016 and CRM-M-22478-2016 respectively. Learned counsel for petitioners submits that the petitioner is in custody since 06.11.2015 and his name does not figure in the FIR, which was registered on the statement of Lachhman Dass son of Moti Ram. He has also not been attributed any role in the occurrence. It was at later stage that Jiwan Kaler, a witness, had named him.

CRM-M-5798-2017

Bail to petitioner-Pal Ram has been sought on parity with Resham Chand Kaler and Mohinder Pal Clair, who have been allowed regular bail vide orders dated 19.01.2017 and 07.03.2017 passed in CRM-M-36539-2017 and CRM-M-40215-2016. Learned counsel for the petitioner has argued that both Resham Chand Kaler and Mohinder Pal Clair were also named in the FIR but no injury was attributed to them. Petitioner has also been named in the FIR but no injury has been attributed to him.

Learned State counsel submits that a petition has been filed before Hon'ble Apex Court by complainant-Lachhman Dass seeking cancellation of bail allowed to Resham Chand Kaler and Mohinder Pal Clair in which notice has been issued.

CRM-M-5153-2017

Learned counsel for petitioners has argued that petitioner-

Surinder Singh has been attributed injury caused with *kirpan* on the hand of complainant-Lachhman Dass and another blow on the biceps of Jiwan Kaler. However, while appearing as PW-1 Jiwan Kaler has nowhere stated that any blow was caused by petitioner-Surinder Singh. He has attributed this blow to Gurmail Singh. In cross-examination, she has categorically stated that injury on the person of complainant-Lachhman Dass was also caused by Gurmail Singh but the police has wrongly named the assailant as Surinder Singh. PW-2 Sandeep Kaler, another witness, has also attributed injury on the person of Jiwan Kaler caused with *kirpan* to Gurmail Singh and had stated that he had not mentioned in his statement recorded under Section 161 Cr.P.C. that this injury was caused by Surinder Singh. Complainant-Lachhman Dass, who appeared as PW-3 had also attributed injury caused to him to Gurmail Singh. PW-4 Harbilas has also stated that he did not name petitioner-Surinder Singh as assailant, rather it was Gurmail Singh and the police has inadvertently written the name of assailant as Surinder Singh.

As per allegation in the FIR, brothers of complainant, namely, Harbilas and Shingar Chand were milking the cattle at the well, where Resham Chand, Pal Ram, Mohinder Pal son of Buja Ram, Thakur Dass son of Banta Ram residents of Salarpur came in three cars accompanied by Kulbir Singh, Hari Ram @ Bishan Dass son of Inder Ram, Manohar Chand son of Gubaksh and two unidentified persons out of one was having beard and other was having his hair cut. They started abusing the complainant. On telephonic call to this effect, complainant sent his sons, namely, Naresh Kumar and Jiwan Kumar to the well and after ten minutes himself reached there. He found that aforesaid persons were quarreling with his brothers,

nephews and sons. When he intervened they started quarreling with him as well. Kulbir resident of Bara Pind, fired a shot with his revolver, which hit his brother Shingar Chand. When complainant went forward to save him, the person having beard gave a *kirpan* blow on left hand of complainant as a result of which his hand got cut. He gave another blow on left biceps of his nephews and third on his right biceps and *kirpan* blow on his chest. Shingar Singh died at the spot due to firearm injury. The dispute was pertaining to the land of assailants which was being cultivated by complainant party on lease and they had vacated the same.

So far as petitioner-Surinder Singh (CRM-M-5153-2017) is concerned, witnesses referred above have clarified that he had not caused any injury. The role of petitioner-Moti Lal (CRM-M-3985-2017) is on parity with Kamaljit and Thakur Dass while the role of petitioner-Pal Ram (CRM-M-5798-2017) is on parity with Resham Chand Kaler and Mohinder Pal Clair, who have been allowed regular bail by this Court as referred above.

In view of above facts but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, present petitions are allowed. Petitioners, namely, Moti Lal, Pal Ram and Surinder Singh in respective petitions are ordered to be released on regular bail on furnishing bail bond and surety bond 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 petitioners shall stand withdrawn. The trial Court shall be competent to cancel their bail bond and surety bond 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.

October 09, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No