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

CRM-M No.43819 of 2016
Date of Decision: 28.04.2017

Avtar Singh @ Gollu

.....Petitioner

Vs

State of Punjab

.....Respondent

CRM-M No.12683 of 2017

Harpreet Singh @ Kala

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Gurmeet Singh Saini, Advocate
for the petitioner (in CRM-M No.43819 of 2016).

Mr. Gobind Sharma, Advocate for
Mr. A.S. Sekhon, Advocate
for the petitioner (in CRM-M No.12683 of 2017).

Mr. Shilesh Gupta, Additional A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Vide this common order, CRM-M No.43819 of 2016
titled Avtar Singh @ Gollu vs State of Punjab and CRM-M
No.12683 of 2017 titled Harpreet Singh @ Kala are being
disposed of as the same have arisen out of the same

controversy.

Petitioner Avtar Singh @ Gollu in CRM-M No.43819 of 2016 has prayed for grant of anticipatory bail and petitioner Harpreet Singh @ Kala in CRM-M No.12683 of 2017 has prayed for regular bail in case bearing FIR No. 110 dated 08.05.2016 registered under Sections 302, 120-B, 212, 216, 148, 149, 201 IPC and under Sections 25/27/54/59 of Arms Act at Police Station Kotwali Faridkot, District Faridkot.

The FIR was registered at the instance of Kulwinder Singh who is a fruit seller. Uncle of the complainant was involved in a business of supplying mineral water to different destinations in the city. As usual, his uncle left the house in the morning along with his servant Bikram Bind. After supplying the mineral water, uncle of the complainant namely Devinder Singh reached in front of shop of Taini Cable Wala near Gandhi School where he was to meet the complainant at about 10.20 AM. When the uncle of the complainant came there to supply the mineral water at the shop of Taini Cable Wala, the complainant found that Bikram Bind was sitting at the back of the vehicle along with the water coolers. In the meanwhile, two young boys came on pulsar motorcycle. Pillion rider opened fire at Devinder Singh and thereafter, both of them fled away. Devinder Singh was removed to hospital where he was declared to be dead.

During course of investigation, name of aforesaid motorcyclists came to be known as Gaurav Sharma @ Goru Bacha (pillion rider) and Harpreet Singh @ Bhooti (driver).

The complexity of the petitioners in the aforesaid case is to the effect that Avtar Singh introduced Harpreet Singh @ Kala to Surjit Singh who in turn introduced the assailant to Surjit. The assailants along with others took the premises of Surjit Singh on rent.

On the basis of three statements of Jaswinder Singh @ Bheema, Kamal Kumar and Surjit Singh, the police investigated the offence further, thereby adding more accused in the case.

Learned State counsel on instructions from HC Gurdit Singh submitted that as per disclosure statement of Gaurav Sharma @ Goru Bacha, the involvement of the petitioner would be on arguable note. Similarly, statement of Surjit Singh recorded under Section 161 Cr.P.C. would be also be debatable in the context of involvement of aforesaid petitioners in the offence in question.

Avtar Singh @ Gollu has already joined the investigation pursuant to order dated 21.12.2016 as per learned State counsel on instructions from HC Gurdit Singh and he is no more required in further investigation of the case.

In view of above, order dated 21.12.2016 in case of Avtar Singh is hereby made absolute.

Petitioner Harpreet Singh @ Kala in CRM-M No.12683 of 2017 is in custody since 16.05.2016. In view of above, I deem it appropriate to enlarge the petitioner Harpreet Singh @ Kala on regular bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

A photocopy of this order be placed on the file of connected case.

April 28, 2017
jyoti Y.

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No