

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-44020 of 2017
Date of Decision: 04.12.2017

Gurjit Singh @ Sam

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Bhriugu Dutt Sharma, Advocate
for the petitioner.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.125 dated 27.09.2014 registered for the offences punishable under Sections 302/148/149/201/120-B of Indian Penal Code (for short, "IPC") read with Sections 25/27 of the Arms Act and 3(2) & (5), 4 of the Prevention of Atrocities to Scheduled Caste and Scheduled Tribes Act, 1989 at Police Station Jamalpur, District Ludhiana.

Heard.

Notice of motion.

On asking of the court, Ms. Seena Mand, DAG, Punjab, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

Learned counsel for the petitioner submits that the petitioner was arrested in this case on 27.09.2014 and only evidence against the petitioner is that his pistol was used in committing the crime. As per

transcript of audio recording produced on file by the prosecution, Inspector Manjinder Singh has taken the pistol of petitioner and fired at Harinder Singh @ Lalli and Jatinder Singh @ Goldy, who had died in the incident.

Learned State counsel submits that petitioner was mastermind of conspiracy to kill Harinder Singh @ Lalli and Jatinder Singh @ Goldy. He had taken the police party to place of incident in his own car. Complainant had stated in her statement that person wearing white *kurta pyjama* had fired at Harinder Singh @ Lalli and Jatinder Singh @ Goldy. That person was later identified by complainant and another eye-witness, namely, Vishnu Patel as petitioner. Though, complainant has turned hostile, prosecution has yet to examine Vishnu Patel and release of petitioner at this juncture will provide him opportunity to prevail upon the prosecution witnesses and to tamper with its evidence.

This fact is admitted that the pistol from which fire was shot resulting in death of Harinder Singh @ Lalli and Jatinder Singh @ Goldy belongs to petitioner. As per allegations in the FIR, petitioner was carrying pistol and fired 2-3 shots from his pistol on Harinder Singh @ Lalli. The prosecution has cited two witnesses out of which complainant has been examined and has turned hostile. The other eye-witness, namely, Vishnu Patel is yet to be examined. It is a case where two persons have been killed in broad daylight. The grant of bail to petitioner at this stage will certainly provide him opportunity to tamper with remaining prosecution evidence.

Keeping in view above facts, I find no reason to extend the benefit of regular bail to petitioner at this stage. The instant petition is dismissed.

However, keeping in view the fact that trial of the case is

pending since long, the trial Court is directed to expedite trial of the case and dispose of the same at the earliest, preferably within a period of six months, provided the defence counsel assists the Court and cross-examine the witnesses produced by the prosecution on the day they appear for their statements.

Copy of this order be conveyed to learned trial Court.

December 04, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No