

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

**CRM No. M-5402 of 2017 (O&M)**

**Date of Decision: 23.02.2017**

Gurmanjot Singh @ Gopi

--Petitioner

Versus

State of Punjab

--Respondent

**CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.**

Present:- Mr. APS Deol, Senior Advocate with  
Mr. H.S. Deol, Advocate for the petitioner.

Ms. Shivali, AAG, Punjab.

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**TEJINDER SINGH DHINDSA, J.**

This order shall dispose of the present petition filed under Section 439 Cr.P.C. seeking benefit of regular bail to the petitioner pending trial in case FIR No.128, dated 27.07.2016, under Sections 302/307/341/427/34 IPC and Section 25 of the Arms Act, registered at Police Station Civil Lines, Bathinda.

Counsel for the parties have been heard.

FIR came to be registered on 27.07.2016 on the statement of Gurjinder Singh in relation to an occurrence that took place on 26.07.2016. Complainant had asserted that while he was proceeding in a bolero vehicle along with Harmanpreet Singh, Parminder Singh and Rajinder Singh, an incident of apparent road rage occurred involving a swift car being driven by one Happy Lutel. In the swift car along with Happy Lutel, it was alleged that one Navdeep Chatha and other two unidentified persons were travelling. Happy Lutel allegedly fired from his revolver and as a result of which complainant was hit on his right thigh, Parminder Singh on the right

arm and a short hit Harmanpreet Singh on his right flank. Thereafter Happy Lutel is alleged to have resorted to firing again which hit on the left arm of the complainant.

Initially, FIR has been registered under Section 307 IPC. Harmanpreet Singh having succumbed to the solitary fire arm injury on 31.07.2016, the offence was enhanced to Section 302 IPC.

The present petitioner is sought to be implicated on the basis of a supplementary statement recorded of the complainant on 02.08.2016 i.e. three days after the demise of Harmanpreet Singh and in which apart from reiterating his initial version, the complainant stated that on making inquiries on his own, he became aware that the third person accompanying Happy Lutel was Gurmanjot Singh @ Gopi i.e. the present petitioner.

It is the contention raised by learned senior counsel that the version of the complainant insofar as implicating the present petitioner is concerned, is improbable. In such regard, senior counsel has adverted to the statement of Gora Singh son of Sukhdev Singh recorded by the Investigating Agency on 27.07.2016 itself and as per which an extra judicial confession was made before him by Navdeep Singh, Happy Lutel, the present petitioner and one other unknown person and as per such confession, the present petitioner was involved in the occurrence as well. It is contended that Gora Singh is none other than the maternal uncle of the complainant and if such a confession had been made before Gora Singh on 27.07.2016, there was no occasion for the complainant to have got his supplementary statement recorded five days thereafter i.e. on 02.08.2016 to implicate the present petitioner.

That apart, even as per statement of Gora Singh at Annexure

P-4 and Parminder Singh who is one of the injured/eye witness at Annexure P-3, the specific attribution of fire arm injury to the deceased Harmanpreet Singh is to the main accused Happy Lutel.

Petitioner was arrested on 14.08.2016. Investigation in the case is complete and the challan has been presented. Charges have been framed. The trial is stated to be at the very initial stage.

In view of the discussion above and without making any observations on merits, petitioner is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the trial Court/Duty Magistrate, Bathinda.

Disposed of.

**23.02.2017**

*harjeet*

**(TEJINDER SINGH DHINDSA)**  
**JUDGE**

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|-----|----------------------------|-----|
| i)  | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable?        | No  |