

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

1. CRM-M No.5412 of 2017

Surjit Singh and another

... Petitioners

Versus

State of Punjab

... Respondent

2. CRM-M No.8026 of 2017

Randeep Singh @ Baba

... Petitioners

Versus

State of Punjab

... Respondent

Date of decision: 24th May, 2017

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Jagjit Singh, Advocate and
Mr. S.S. Gill, Advocate for Mr. N.S. Goraya, Advocate
for the petitioners.

Mr. J.S. Brar, Asstt. Advocate General, Punjab
for the respondent/State.

FATEH DEEP SINGH, J.

Since both these petitions, one by petitioners Surjit Singh and Manpreet Singh alias Peeta seeking regular bail under Section 439 Cr.P.C. and the other by petitioner Randeep Singh alias Baba seeking anticipatory bail under Section 438 Cr.P.C. have arisen out of the same very FIR bearing No.87 dated 01.07.2016 under Sections 307/120-B IPC pertaining to Police Station Haibowal, District Ludhiana, for the sake of brevity are being disposed off together.

The facts brought to the notice of this Court are that the present case was got registered on the complaint of one Sukhwinder Singh in which he alleged that on 30.06.2016 when he along with his associates Joga Singh (also referred to as Joga Singh Khalistani), Sukhraj Singh and Gurdeep Singh were going on two separate motorcycles around 10.00 p.m. an Innova car bearing registration No.PB-13X-7418 came and struck their motorcycles from behind, leading to injuries to the motorcyclists on the basis of which present case was got registered and subsequently it transpired that petitioners were responsible for this and subsequently with the death of one of the injured Joga Singh alias Khalistani offence under Section 302 IPC was added.

Contentions of learned counsel for the petitioners are that petitioner Randeep Singh alias Baba was allowed anticipatory bail when offence under Section 307 IPC was slapped and has joined the investigations and that none of these petitioners have either been named in the FIR nor any role has been attributed to them in commission of the offence and that similarly placed co-accused namely Davinder Singh alias Binder, Pardeep Singh and Sandeep Singh have already been allowed bail by this Court vide orders dated 20.04.2017 and thus, prays for parity as well.

On behalf of the State, Mr. J.S. Brar, Asstt. Advocate General, Punjab has stoutly opposed grant of bail to the petitioners on the grounds that they have been instrumental in causing injuries and death of

the motorcyclists by their intentional acts and thus, the petitioners were not entitled to any concession of bail.

Going through the submissions, it is the own stand of the complainant that the Innova vehicle which was subsequently stated to be bearing registration No. PB-13X-7418 was being driven by an unidentified person and none has been identified or named in the FIR at the time of occurrence nor till date any test identification parade has been carried out as has been the stand of the State before this Court. In view of the very initial story of the prosecution and subsequent twist to it, a debatable issue has arisen as to whether it was a murder or a mere accident. Thus, in view of the principle of parity and the fact that culpability if any shall be determined at the time of trial which is not likely to conclude in near future, no useful purpose will be served by sending petitioner Randeep Singh alias Baba behind bars and keeping petitioners Surjit Singh and Manpreet Singh alias Peeta in custody in the present case.

Thus, petitioners Surjit Singh and Manpreet Singh alias Peeta are ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Ludhiana, whereas qua petitioner Randeep Singh alias Baba it is ordered that in the event of arrest, he shall be released on bail to the satisfaction of the Arresting Officer till submission of report under Section 173 Cr.P.C. (challan). He shall continue to join investigation and shall furnish an undertaking that he shall abide by the conditions specified under Section 438 (2) Cr.P.C. and

thereafter he will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

Both the petitions stand disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

May 24, 2017
rps

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