

CRM-M-10441 of 2018

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

CRM-M-10441 of 2018
Date of Decision: 04.12.2018

Jaspal Singh and another

...Petitioners

Versus

State of Punjab

....Respondent

CRM-M-17532 of 2018

Gurmeet Singh

...Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. S.P.S. Sidhu, Advocate, for the petitioners
in CRM-M-10441 of 2018.
Mr. Aman Mittal, Advocate, for the petitioner
in CRM-M-17532 of 2018.
Mr. Davinder Bir Singh, DAG, Punjab.
Mr. Lovekirat S. Chahal, Advocate, for the complainant.

RAMENDRA JAIN, J. (ORAL)

By this common order, I shall dispose of above-titled two petitions under Section 439 Cr.P.C. for grant of regular bail to the petitioners in case arising from FIR No.55 dated 02.05.2017 registered under Sections 302, 307, 506, 336, 148 and 149 IPC and Sections 25 and 27 of the Arms Act at Police Station Kulgari, District Ferozepur.

Briefly, in the morning of 02.05.2017, Ranjit Singh, Pargat Singh both armed with 12 bore DBBL, Sukhjinder Singh armed with 32 bore revolver, Gurwinder Singh @ Pindu armed with kappa and Chanan

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Singh empty handed, Bachittar Singh Mor, Gurmeet Singh both armed with 'dang' and Jaspal Singh @ Jassa armed with 32 bore revolver while coming in two vehicles i.e. a Bolero jeep driven by co-accused Karaj Singh and a Swift car along with 6-7 unidentified persons on three motorcycles, committed murder of Harnam Singh and Joginder Singh, father and brother, respectively, of the complainant by firing upon them, while they were on morning walk. When complainant came forward to save his father and brother, Jaspal Singh fired a shot from his revolver upon him. Resultantly, bullets hit on his left foot. On raising hue and cry by sister-in-law of the complainant, namely, Shawinder Kaur and nephew, all the aforesaid assailants fled away from the spot.

Learned counsel for the petitioners *inter alia* contend that petitioners are innocent. They have falsely been implicated. Gurmeet Singh, petitioner in CRM-M-17532 of 2018 and Karaj Singh, petitioner No.2 in CRM-M-10441 of 2018 are not attributed any injury. Only *lalkara* is attributed to petitioner No.2 Karaj Singh. Jaspal Singh petitioner No.1 in CRM-M-10441 of 2018 is attributed fire shot, bullet of which hit left foot of the complainant, which is not on the vital part. Said injury suffered by the complainant was declared simple in nature. Three co-accused of the petitioners, namely, Ranjeet Singh, Sukhjinder Singh and Bachittar Singh having more serious role have been released on bail. Final report under Section 173(2) Cr.P.C. has been filed against the petitioners attributing them simple injuries which fall under the catetory ofailable offences. Gurmeet Singh is in custody since 06.03.2018, whereas, Jaspal Singh and Karaj Singh are in custody since 22.01.2018. Charges are yet to be framed against the petitioners. Conclusion of trial may take sufficient long time.

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Keeping the petitioners in jail any more would not serve any purpose. Treating the case of the petitioners on same parity as that of their three co-accused, who have already been enlarged on bail, they may also be released on bail.

On the other hand, learned State counsel, assisted by learned counsel for the complainant, vehemently opposing above submissions of learned counsel for the petitioners, urged that petitioners are not entitled to bail in view of the fact that it was a concerted effort of the petitioners and their co-accused of murdering Harnam Singh and Joginder Singh. Petitioners cannot be granted bail on the ground that they have been attributed simple injuries or no role has been attributed to petitioners Karaj Singh and Gurmeet Singh.

Considering overall circumstances and the fact that petitioners are in custody for more than 8/9 months; no role or simple injuries have been attributed to them; treating their case on the same parity as that of their aforesaid co-accused, but without expressing any opinion on the merits of the case, the petition is allowed. Consequently, petitioners are ordered to be released on bail during pendency of trial, on their furnishing bail bonds and surety bonds to the satisfaction of Trial Court/Duty Magistrate concerned.

December 04, 2018
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No