

214

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

**CRM-M No.10597 of 2018
Date of Decision: 20.03.2018**

Gurjeet Singh @ Jeeta

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Jasraj Singh, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in cross version case dated 24.08.2006 to the main case bearing FIR No.101 dated 13.08.2006 registered under Sections 307, 148, 149 IPC and Sections 25, 27, 54, 59 of the Arms Act at Police Station Garhshankar, District Hoshiarpur.

Brother of the petitioner namely Makhan Singh was murdered. Four persons were tried. Sewa Singh was declared as proclaimed offender. Mohinder Singh and Harmesh Singh were held guilty for committing offence under Section 302 IPC.

Binderjit @ Baljinderjit Singh was held guilty under Section 307 IPC. Mohinder Singh and Harmesh Singh were held guilty for the offence under Section 307 IPC read with Section 34 IPC. Binderjit @ Baljinderjit Singh and Mohinder Singh were also held guilty under Sections 25/27 of the Arms Act. Mohinder Singh and Harmesh Singh were sentenced to undergo life imprisonment for life under Section 302 IPC. Binderjit @ Baljinder Singh was sentenced to undergone life imprisonment for having committed an offence under Section 302/34 IPC. Binderjit @ Baljinder Singh was sentenced to undergo rigorous imprisonment for 10 years along with fine under Section 307 IPC. Mohinder Singh and Harmesh Singh were also sentenced to undergo rigorous imprisonment for a period of 10 years along with fine under Section 307 read with Section 34 IPC. Binderjit @ Baljinder Singh as well as Mohinder Singh were also sentenced to undergo rigorous imprisonment for a period of 3 years along with fine under Sections 25/27 of the Arms Act.

A cross case under Sections 307, 148, 149 IPC and Section 25/27 of the Arms Act was registered on the statement of Jasjit Kaur but petitioner was not named in the cross version. In the first challan submitted in the cross case, the complicity of the petitioner did not come to fore, however on the disclosure statement of Avtar Singh @ Tari on 24.08.2006, a

supplementary challan was presented after arrest of the petitioner on 29.09.2017

The main accused in the cross version namely Avtar Singh @ Tari, Balbir Singh @ Binda and Manjit Singh have already been acquitted vide judgment of acquittal dated 22.09.2009. After arrest of the petitioner, he is in custody since 22.09.2017. Challan has been presented and co-accused have already been acquitted by the competent Court.

Learned State Counsel on instructions from ASI Mohinder Singh opposed the bail on the ground that the petitioner remained proclaimed offender for more than 10 years. after his appearance on 01.11.2006 in the Court.

Taking into consideration, the custody of the petitioner and acquittal of the co-accused and without meaning anything on the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail subject to his furnishing adequate bail bonds and 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.

March 20, 2018.

Prince

(RAJ MOHAN SINGH)
JUDGE