

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

**CRM No. M-11385 of 2018
Date of Decision:06.04.2018**

Khushwant Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.N.S. Shekhawat, Advocate with
Mr. Rajiv Sidhu, Advocate
for the petitioner.

Mr. M.D.Sharma, AAG,Haryana assisted by
ASI Ranjot Singh.

RAJ MOHAN SINGH J. (ORAL)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure (for short, 'the Cr.P.C.') seeking regular bail in case FIR No. 191 dated 01.05.2016, registered under Sections 148,149,180,323,302,506,427,120-B of the Indian Penal Code, (for short, 'the IPC') and Sections 25/54/59 of Arms Act at Police Station Pehowa.

Learned counsel for the petitioner submits that though the earlier prayer for regular bail of the petitioner was allowed to be withdrawn on two occasions, on third occasion, the petition was allowed to be withdrawn on an application filed by the petitioner as at the relevant time some of the witnesses had already become hostile and did not support the prosecution case.

The filing of present petition is on account of changed circumstances in the light of grant of bail to the co-accused namely-

Jagmeet Singh, Jatinder Singh Gora, Harpreet Singh and Gurpreet Singh alias Gopi.

Prosecution story started with the allegations that on the evening of 30.04.2016 at about 6.30 p.m., Lovedeep Singh, Harmandeep Singh and Kamaljit Singh after playing volleyball, parked their motorcycles in front of Gaurav Kariyana Store. Kamaljit Singh made a telephonic call to Jagroop Singh i.e. brother of Lovedeep Singh to come to Navdeep Market, Pehowa. After some time Jagroop Singh came there and he also parked his car near Gaurav Kariyana Store. When they were coming out of Navdeep Market, three cars i.e Verna, Innova and Bolero alongwith 2-3 motorcycles came there. Lakhwinder Singh alias Lakhi and his brother Maan Singh armed with iron rods, Jagmeet Singh and Yadwinder Singh armed with gandasies, Khushwant Singh armed with 12 bore country made pistols, Harshdeep, Maninder Singh, Harmanjit Singh, Jatinder Singh alias Gora, Gopi Hundal, Bhola Gujjar (Randhir) Harjas and Manjot were armed with laathies, dandas and sharp edged weapons, alighted from the vehicles Lakhwinder Singh and Maan Singh raised *lalkara* in the context of previous quarrel between the parties. Lovedeep Singh and his companions started running but Jagroop Singh fell down. Maan Singh repeatedly inflicted iron rod blows on the head of Jagroop Singh. In the meanwhile, remaining accused also reached there and started giving beatings to Jagroop Singh with lathies and dandas. Thereafter 2-3 shots were fired by Khushwant Singh. Believing Jagroop Singh to be

dead, assailants fled away from the spot.

Learned counsel for the petitioner submitted that in the original version of the case, no injuries with gandasas were pleaded. The fatal injuries were attributed to Maan Singh, who had inflicted repeated injuries on the head of Jagrup Singh with iron rod. Remaining accused persons inflicted injuries with lathies and dandas. Brother of the deceased i.e. Lovedeep Singh and Amarjeet Singh have not supported the case of the prosecution. The prosecution has also recorded the statements of Gaurav, Gurjant and Hanuman .

Learned counsel by referring to the statements of witnesses and the material collected by the Investigating Agency submitted that no fire-arm was recovered from the petitioner, rather a danda has been recovered from the petitioner. Co-accused Gurjant Singh was granted regular bail by the High Court vide order dated 21.02.2018 passed in CRM-40869 of 2017. Thereafter Court of Session granted regular bail to Jatinder Singh alias Ghora, Harmanpreet Singh and Gurpreet Singh alias Gopi on 12.03.2018.

Learned State Counsel on instructions from ASI Ranjot Singh, submitted that even though a danda has been recovered from the petitioner but he being a member of unlawful assembly can be prosecuted in the offences in question, 14 accused persons have been arrayed in the case, 05 of the accused has been declared as proclaimed offenders. Out of total 68 cited witnesses, only 08 prosecution witnesses have been examined so far. Petitioner is in

custody since 08.05.2017.

Taking into consideration the facts and circumstances of the case and without meaning anything on merits of the case, at this stage, I deem it appropriate to enlarge the petitioner on regular bail who is in custody since 08.05.2017 subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate.

Accordingly, this petition is allowed.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

06.04. 2018

Prince/seema

**(RAJ MOHAN SINGH)
JUDGE**

Whether Yes No
speaking/reasoned :
Whether Reportable : Yes No