

Crl. Misc. No. M-17093 of 2018

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-17093 of 2018

DATE OF DECISION:31.07.2018

Gurvinder Singh @ Kali

.....Petitioner

Versus

State of Punjab

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Mandeep Kaushik, Advocate
for the petitioner.

Mr. Amit Mehta, Senior DAG, Punjab.

Mr. SS Rana, Advocate
for the complainant.

DAYA CHAUDHARY, J.

Petitioner-Gurvinder Singh @ Kali has filed the present petition under Section 439 Cr.P.C. for grant of regular bail in a cross case G.D. No. 22 dated 17.12.2016 in FIR No. 102 dated 27.8.2016 registered under Sections 307,324,148,149 IPC and 25/27/54/59 of Arms Act at Police Station Hathur, District Ludhiana Rural.

Learned counsel for the petitioner contends that the allegations against the petitioner in a cross-version is that he fired a shot, which hit on the stomach of Guramritpal Singh @ Gora with an intention to kill him, whereas, firstly said Guramritpal Singh @ Gora gave Kirpan blow towards the head of the petitioner, which hit on his left ear and in self-defence, he

fired a shot which hit Guramritpal Singh @ Gora. Learned counsel further contends that both the sides received injuries and even from petitioner's side, two persons have died, which shows that the opposite party was aggressive. Learned counsel also contends that it is a case of self-defence as complainant and other accused were armed with deadly weapons and killed two persons from petitioner's side. It is also the argument of learned counsel for the petitioner that co-accused of the petitioner, namely, Sandeep Singh @ Seepa @ Deepa and Guramrit Singh @ Gora @ Guramrit Singh have been released on regular bail vide orders dated 22.12.2016 and 25.8.2017, respectively. The petitioner is in custody since 3.6.2017 and he has undergone custody of more than one year.

Learned counsel for respondent-State has opposed the submissions made by learned counsel for the petitioner on the ground of seriousness of the offence but he has not disputed the custody period and release of co-accused, namely, Sandeep Singh @ Seepa @ Deepa and Guramrit Singh @ Gora @ Guramrit Singh .

Learned counsel for the complainant has opposed the submissions made by learned counsel for the petitioner on the ground that one more case is pending against the petitioner under Sections 399 and 402 IPC and he is a habitual offender and does not deserve the concession of bail.

Heard the arguments advanced by learned counsel for the parties and have also gone through the contents of the FIR and other documents available on the file.

Admittedly, it is a case of version and cross-version and two persons i.e. father and uncle of the petitioner have died from the petitioner

side and petitioner himself received injuries. It is to be seen by the trial Court as to which party was more aggressive. Co-accused, namely, Guramritpal Singh @ Gora also caused a fire shot injury and injured remained admitted in the hospital and was operated upon also. Said injury was declared dangerous to life. Said co-accused has been granted bail vide order dated 25.8.2017. Similarly, co-accused-Sandeep @ Seepa @ Deepa has also been ordered to be released on regular bail by Additional Sessions Judge, Ludhiana vide order dated 22.12.2016. In another case pending against the petitioner, he is on bail.

Keeping in view the aforesaid facts and circumstances of the case as well as parity with co-accused, who have also been released on regular bail, the present petition is allowed. Petitioner-Gurvinder Singh @ Kali is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

July 31, 2018
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No