

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. CRM-M-17274-2018
Date of Decision: 28.11.2018

Gurjinder Singh @ GindaPetitioner

VERSUS

State of PunjabRespondent

2. CRM-M-31153-2018

Harinder Singh @ Lovely ZaildarPetitioner

VERSUS

State of PunjabRespondent

3. CRM-M-43444-2018

Manjinder SinghPetitioner

VERSUS

State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. R.S. Mamli, Advocate
for the petitioner in CRM-M-17274-2018

Mr. Gurcharan Dass, Advocate
for the petitioner in CRM-M-31153-2018.

Mr. Karan Singla, Advocate
for the petitioner in CRM-M-43444-2018.

Ms. Anju Sharma Kaushik, DAG, Punjab.

SURINDER GUPTA, J.

Petitioners are facing trial in case bearing FIR No.124 dated 01.07.2017 registered for offences punishable under Sections 302, 307, 201, 148, 149 of Indian Penal Code; 25 of the Arms Act and 3 of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, at Police

Station Kotwali, District Patiala.

2. While it is first application seeking bail filed by petitioner-Manjinder Singh in CRM-M-43444-2018, it is second bail application filed by other petitioners.

3. As per case of prosecution, complainant-Abhijit Singh was called to new Sheesh Mehal, HR Group, Patiala by petitioner-Harinder Singh @ Lovely Zaildar (in CRM-M-31153-2018). He alongwith Paras, Harish Kumar @ Kalu, Amar, Sachin @ Mangu and Tiger went on their motorcycles to HR Colony, Patiala, where Harinder Singh @ Lovely Zaildar, Manjinder Singh, Dhana Singh and 2-3 unknown persons were present. They were armed with weapons like sword, knife and .315 country made pistol and caused injuries to complainant and Paras. The other persons accompanying complainant and Paras took them to hospital, where Paras was declared as dead.

4. Learned counsel for petitioners have sought regular bail to petitioners on the ground that complainant as well as other eye-witnesses have turned hostile. Only one witness, namely, Vishu, has supported the prosecution case but he was not cited as eye-witness of the occurrence. In his statement recorded by the police, he has stated that he was not an eye-witness of the occurrence. The prosecution has examined all the material witnesses and only formal witnesses remain to be examined, as such, no purpose will be served by keeping petitioners in custody.

5. Complainant-Abhijit Singh turned hostile but when he was questioned by the Court, he admitted that he and Paras were caused injuries and he remained admitted in the hospital. He has though not identified petitioners but has not disclosed as to who caused him injuries. Vishu while

appearing as PW-7 has deposed regarding the occurrence and has alleged that he had accompanied the deceased and injured to Sheesh Mehal, Patiala where the occurrence took place. Statement of Vishu shown to me by learned counsel for petitioners is of 03.07.2017 but this witness has stated that his statement was recorded on 01.07.2017, which is not on judicial file. The question before the trial Court would be as to whether he was confronted with the statement recorded on 03.07.2017, which was made part of the police file and what is the relevance of his testimony that he was present at the spot.

6. Keeping in view the gravity of offence and advance stage of the case, which is likely to be disposed of shortly, I find no reason to allow these applications.

7. Dismissed.

8. Trial Court is, however, directed to expedite trial of the case and try to dispose of the same at the earliest, preferably within a period of four months.

November 28, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No