

207
**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-37974-2018 (O&M)
Date of decision : 5.12.2018

Jaswant Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Rajesh Kapila, Advocate for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

Mr. Gaurav Kalsi, Advocate for
Mr. H.S. Batth, Advocate for complainant.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

KULDIP SINGH J. (ORAL)

This is a petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 100 dated 17.7.2017 under Sections 302, 307, 148, 149 of the Indian Penal Code and Sections 25, 27, 54, 59 of the Arms Act (later on offence under Sections 120-B of the Indian Penal Code and Section 30 of the Arms Act were added), registered at Police Station Guruhar Sahai, District Ferozepur.

Heard.

As per the version in the FIR, Lakhwinder Singh son of Jang Singh-complainant and Beant Singh son of Bagicha Singh, who is grand son of his uncle had gone to see a mela on 16.7.2017 at Dera Bhajangarh, Village Golu Ke where an altercation took place between Nachattar Singh son of Harjit Singh etc. On account of said grudge in their mind when on 17.7.2017 at about 10.30 A.M., Beant Singh and Lakhwinder Singh

accompanied by their friends had gone to take round of the field and went near the electric motor of Jaswant Singh son of Binder Singh, Nachattar Singh son of Hardeep Singh armed with 12 bore double barrel gun, Nishan Singh son of Suba Singh armed with 12 bore single barrel gun, accompanied by Arshdeep Singh son of Hardeep Singh, Gurmit Singh son of Jaswant Singh, Harjinder Singh son of Jaswant Singh, Gurdev Singh son of Bikkar Singh, Gurdeep Singh son of Balvir Singh, Jagga Singh son of Major Singh, Jaswant Singh-present petitioner; Suba Singh and Major Singh son of Bikkar Singh, all armed with *dangs* came at the spot. They were accompanied by 5-6 other unidentified persons and on exhortation by the present petitioner, Nachattar Singh fired a shot with his 12 bore double barrel gun at Lakhwinder Singh from a short distance which hit his chest and forehead. Nishan Singh fired a shot with his 12 bore single barrel gun at Beant Singh from a short distance which hit on his chest. In the meanwhile, complainant-Jang Singh reached at the spot. Then Nachattar Singh with an intention to kill fired a shot from his 12 bore double barrel gun at Baljinder Singh son of Gurcharan Singh and Harmandeep Singh son of Satnam Singh. Both of them were injured due to hitting of pellets. In the meanwhile, Heera Singh, Kartar Singh, Rachhpal Singh and Pargat Singh also came at the spot. On seeing them, they all ran away from the spot with their respective weapons.

In this case, petitioner was arrested on 2.8.2017 and since then he is in custody. Now challan has been presented and complainant has already been examined.

Learned counsel for the petitioner contends that expect the *lalkara*, no role is attributed to the petitioner. Two sons of the petitioner as well as the brothers have been implicated in the crime. The gun shots are attributed to Nachatar Singh and Nishan Singh. None of the other members of the said unlawful assembly caused any injury with their *dang* which they were allegedly carrying.

Learned counsel for the petitioner further contends that Hardeep Singh was granted anticipatory bail by this Court on 11.1.2018, passed in CRM-M-42338-2017, titled as *Hardeep Singh versus State of Punjab*, whereas learned counsel for complainant has produced a copy of the order qua Gurdeep Singh whose regular bail was dismissed by a co-ordinate Bench of this Court vide order dated 28.5.2018 passed in CRM-M-4059-2018, titled as *Gurdeep Singh vs. State of Punjab*.

After going through the contents of the FIR, I am of the view that petitioner is stated to be present at the spot and allegedly raised *lalkara*. Since the trial is pending, it will not be appropriate to make any comments on the merits of the case, which may influence the trial. Suffice to say that no injury is attributed to the petitioner though he was present at the spot with the *dang*.

Considering the entirety of the circumstances, I am of the view that there is no ground for further detention of the petitioner. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing personal bonds in the sum of Rs. 1,00,000/- with one surety of the like amount to the satisfaction of the trial Court subject to

following conditions: -

- (1) Petitioner shall surrender his passport before the trial Court, if any, and shall not leave the country without prior intimation to the Court;
- (2) Petitioner shall not directly or indirectly give any inducement or threat or promise to any witness and
- (3) Petitioner shall attend the Court on each and every date of hearing before the trial Court and in case of his absence, trial Court shall be competent to cancel his bail.

Petition stands allowed accordingly.

(KULDIP SINGH)
JUDGE

5.12.2018
preeti

Whether speaking / reasoned	Yes
Whether Reportable:	No