

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

CRM-M No. 40511 of 2017
DATE OF DECISION :- January 18, 2018

Gurpreet Singh @ Peeta **...Petitioner**

Versus

State of Punjab **...Respondent**

CRM-M No. 41930 of 2017

Kuldeep Singh **...Petitioner**

Versus

State of Punjab **...Respondent**

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Bikramjeet Singh Jattana, Advocate for the petitioner
in CRM-M No. 40511 of 2017.

Mr. Pankaj Garg, Advocate for the petitioner
in CRM-M No. 41930 of 2017.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Viram Malik, Advocate
for Mr. S.S. Grewal, Advocate for the complainant.

Vide this order, I propose to dispose off two petitions i.e. CRM-M No. 40511 of 2017 moved by petitioner Gurpreet Singh @ Peeta and CRM-M No. 41930 of 2017 filed by petitioner Kuldeep Singh for pre arrest bail. Both of them being accused in F.I.R. No. 49 dated 23.07.2017 for offences under Sections 307/323/324/341/427/148/149 IPC and 25 of the Arms Act

registered with Police Station City-2 Mansa.

Briefly stated the facts of the case as per prosecution story are that F.I.R. in this case was rerecorded on the basis of statement of complainant Gursharan Singh of Jatt community, resident of ward No. 11, Malle Ke Kothe, Mansa, aged about 25 years which he got recorded with the police on 23.7.2017 stating therein that on 22.7.2017, he was called by his paternal aunt Baljit Kaur-mother of Paramjit Singh @ Sama stating that Paramjit Singh has not returned home since long and complainant should enquire regarding his whereabouts. The complainant has come to know that Paramjit Singh and Bhola Singh were doing agricultural work together in the fields of Bhola Singh at Mansa Khurd to Lalluana road. Therefore, he went there where Paramjit Singh along with Tripatjot besides 2/3 young persons were there. 5-6 motorcycles were also standing there. The complainant was talking with them. In the meanwhile, Jagdeep Singh @ Gullu having a pistol and sword, Gurpreet Singh @ Peeta having a kirpan, Karanveer Singh @ Gaggi having a kirpan, Bittu Singh armed with sword and Gandasa, Jaggi Singh armed with kirpan, Ramandeep Singh Arora and Vijay Sharma came on motorcycle and bolted them. They were accompanied by several other young persons. Jagdeep Singh @ Gullu gave a kirpan blow to Paramjit Singh hitting him on the right side of head, Jaggi Singh gave a sword blow to Paramjit Singh on his head . While Paramjit Singh raised his right hand to save himself, sword hit upon the fingers of his right hand. The complainant raised alarm and then Jaggi Singh rushed towards him and in this process pistol of Jaggi Singh fell on the ground, which was picked up by Bittu Singh. Bittu Singh attacked complainant with Gandasa from reverse side hitting him on the backside of elbow. Complainant fell on the

ground. While complainant fell on the ground, Gurpreet Singh @ Peeta attacked him by hitting him on bicep. Karamveer Singh @ Gaggi hit the complainant on right shoulder with sword. When alarm was raised, the assailants ran away from the spot along with their respective weapons. The injured were taken to the hospital where they were medico legally examined.

Accused Gurpreet Singh @ Peeta was arrested in this case on 22.8.2017, whereas Kuldeep Singh has not been arrested, though it is stated that proceedings for declaring him as proclaimed offender are pending.

Gurpreet Singh @ Peeta had moved an application for regular bail before the Court of Sessions, which was dismissed on 16.10.2017, as such he has approached this Court praying for grant of similar relief. Whereas apprehending his arrest, Kuldeep Singh has come to this Court seeking pre arrest bail. Kuldeep Singh has been granted interim bail during the course of which he has joined the investigation, and as stated by the State counsel that he is not required by the local police for further investigation.

It being so, the interim bail granted to the petitioner Kuldeep Singh on 7.12.2017 is made absolute, subject to his fulfilling conditions under Section 438(2) Cr.P.C. Therefore, petition filed by Kuldeep Singh stands allowed accordingly.

As regards the petition for regular bail filed by Gurpreet Singh @ Peeta, the injury attributed to him is simple in nature. The main accused Jagdeep Singh is said to have been granted regular bail by Additional Sessions Judge, Mansa vide order dated 2.1.2018. Copy of that order has been placed on record. The trial is said to be at initial stage. Its conclusion is likely to take some time.

Without expressing any opinion on the merits of the case, the petition for regular bail filed by Gurpreet Singh @ Peeta is accepted and he is ordered to be released on bail on furnishing bail bond and surety bond to the satisfaction of the learned trial Court/CJM/Duty Magistrate, Mansa subject to the following conditions : -

- (i) He shall appear in the Court on each and every date of hearing.
- (ii) He shall not give any threat or intimidation to the prosecution witnesses.
- (iii) He shall not leave India without prior permission of the Court.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

(H.S. MADAAN)
JUDGE

January 18, 2018
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No