

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 43749 of 2017 (O&M)

Date of decision : 28.2.2018

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Prem Singh

.....Petitioner

vs.

State of Punjab

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. A.P.S. Deol, Senior Advocate with
Mr. R.V. S. Chugh, Advocate for the petitioner.

Mr. Rakeshinder Singh Sidhu, Assistant Advocate General,
Punjab.

Mr. P.S. Sekhon, Advocate for the complainant.

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H. S. Madaan, J.

This petition for regular bail has been filed by the petitioner – Prem Singh, who is an accused in cross case DDR No. 19 dated 21.4.2017, for offences under Sections 307, 341, 148, 149, 427 IPC and Sections 25/27 of the Arms Act, registered at Police Station Jhunir in case FIR No. 33 dated 20.4.2017 under Sections 302, 307, 148, 149 IPC and Section 25/27 of Arms Act, registered at Police Station Jhunir, District Mansa.

Briefly stated, facts of the case as per prosecution story are that on 19.4.2017 Raj Bhupinder Singh @ Sewak Singh r/o village

Baran District Mansa, was going to drop Satnam Singh in his Maruti Swift car. Gurpal Singh was also with them. When the car had reached at the phirni of village Khiali Chehlawali, then an Innova car being driven by Kala Danewalia with Jatinder @ Bobby Jain, sitting on the front seat, started chasing the swift car of Raj Bhupinder Singh. An Indica car driven by Prem Singh, Ex Sarpanch of village Khiali Chehlawali, hit the swift car from front side. From Indica car, Sukhwinder Singh, Amritpal Singh and Balwinder Singh @ Binda, alighted. Raj Bhupinder Singh and other occupants of Swift car came out. In the meanwhile, Innova car also reached there. Jatinder @ Bobby Jain raised a lalkara, then Prem Singh Ex-Sarpanch, with an intention to kill fired a shot from his pistol hitting Satnam Singh on his left leg. Balwinder Singh @ Binda gave a fire shot from his weapon hitting Gurpal Singh on the right side of abdomen. Thereafter, Bohar Singh gave a fire shot from his revolver, hitting Gurpal Singh on the right side of his head. Then Sukhwinder Singh, Tarsem Singh, and Binder Singh attacked Raj Bhupinder Singh, Gurpal Singh with baseball bats. Some of the blows hit Raj Bhupinder Singh and Gurpal Singh, whereas other blows found target on their car. Accused Kala Danewalia, was having 12 bore DBBL gun., On alarm being raised, accused -assailants ran away alongwith their respective weapons. Injured were taken to the hospital.

Accused Prem Singh was arrested in this case. He had moved an application for grant of regular bail, which was dismissed by the Court of Sessions. Now, he has approached this Court by way of filing the present petition with the same request, which is being

opposed by the State counsel, as well as counsel for the complainant.

I have heard learned counsel for the petitioner, learned State counsel and learned counsel for the complainant, besides going through the record.

Learned counsel for the petitioner has argued that petitioner has been falsely implicated in this case for the reason that he had lodged an FIR against the accused person, complainant in the cross case. He himself was injured at their hands suffering, in as much as, 6 injuries. His son Sukhwinder Singh lost his life in the incident. There are number of gun shot pellets embedded in his body and he requires treatment; that there is a delay of more than 15 hours in injured Satnam Singh getting admitted in the hospital and the complainant party in the present case was aggressor. Therefore, he be granted regular bail.

Learned State counsel has contended that as per the prosecution story, the petitioner was having a fire arm which was obviously an illegal weapon since he nowhere claimed that it was a licenced weapon belonging to him and he had fired from such weapon with an intention to kill. Therefore, he has committed a serious crime and no occasion to grant regular bail to him is there.

Learned counsel representing the complainant has submitted that there is every chance of complainant trying to give threats and giving inducements to the prosecution witnesses and even absconding, if granted bail.

After hearing the rival contentions, I find that though according to the petitioner he himself had suffered gun shot injuries

and his son Sukhwinder Singh was killed in the incident regarding which FIR was lodged by him and delay in taking the injured to the hospital and reporting the matter to the police etc., but those factors are more of importance while determining the guilt of the accused in the trial. Here at this stage, considerations for grant of bail are entirely different. Rather gravity of offence for which the accused has been booked, chances of his trying to tamper with the prosecution evidence; his possibility of absconding if granted bail etc. are there. Even though it has been stated by learned counsel for the petitioner that the eye witnesses have since been examined and the gun shot injury attributed to the petitioner is not on a vital part but that by itself does not make out a case for grant of bail to the petitioner. The very fact that as per the prosecution, the petitioner was having a fire arm which is not shown to be a licenced weapon and he had fired therefrom with an intention to kill, goes to show that allegations against him are very grave and serious. Considering all the facts and circumstances, no case for grant of regular bail to the petitioner is made out.

The petition stands dismissed.

28.2.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned

Yes / No

Whether reportable

Yes / No