

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

CRM-M-45511-2017

Date of decision:-20.3.2018

Puran Singh

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr.B.S. Baath, Advocate
for the petitioner.

Mr.Saurav Khurana, DAG, Punjab.

H.S. MADAAN, J.

This petition for regular bail has been filed by petitioner –
Puran Singh – an accused in FIR No.71 dated 8.8.2014, under Sections
302, 307, 148, 149 IPC and Sections 25 and 27 of Arms Act, registered at
Police Station Rangar Nangal, District Batala.

Briefly stated, the prosecution story is that on 8.8.2014, a
police party from Police Station Rangar Nangal led by Inspector/SHO
along with ASI Darshan Singh was on patrol duty, present near School

premises of village Chaudhariwal where an information was received that a clash between two groups involving shooting had taken place in Behak Wadalian at village Bhamboi; the police party accordingly went to the Behak of Gurmukh Singh; that different police parties were formed; Mukhwinder Singh @ Mukha, Sarwan Singh @ Samma, Mohan Singh, Gurbachan Singh @ Sonu, Surinder Singh @ Shinda, Balraj Singh @ Baja along with 5-6 unidentified persons were seen running away from the spot, however, they were identified by ASI Darshan Singh; two dead bodies were found lying on the *katcha* path leading to Behak of Gurmukh Singh, one of which was identified to be those of Balwinder Singh @ Sonu son of Ajit Singh, resident of Kaler, a DBBL gun 12 bore and four live cartridges of that bore were found to be lying nearby; the second dead body was identified to be that of Major Singh son of Sulakhan Singh, resident of Muradpur, near which a revolver .32 bore was lying; the DBBL gun on being opened was found to have two empty shells, whereas on being unloaded the revolver was found to contain six shells, in addition three shells of .32 bore were scattered on the ground; the Investigating Officer carried out necessary proceedings; it transpired that Gurmukh Singh son of Atma Singh, Harpinder Singh son of Gurmukh Singh, Paramjit Singh son of Gurmukh Singh, Kuldeep Singh son of Shingara Singh, residents of Bhamboi were admitted in the hospital having suffered firearm injuries; dead body of Balwinder Singh was found to have injuries caused with a sharp edged weapon as well as firearms; that dead body of Major Singh was found to have sharp edged injuries on his head; that on 11.8.2014 Kiranjit Kaur wife of Balwinder Singh (deceased) had got her

statement recorded with the police stating therein that her husband Balwinder Singh along with Major Singh, resident of Muradpur, Mukhwinder Singh son of Joginder Singh had sown paddy crop in 5 acres of land situated at village Bhamboi which had been taken on lease by them; that on 8.8.2014, Balwinder Singh, Major Singh and Mukhwinder Singh went to spray fertilizers in the fields; that the complainant had also gone there at about 4:00/5:00 p.m. to serve tea to her husband and others as mentioned above; that in the meanwhile Joginder Singh son of Mangal Singh armed with a datar, Harpal Singh son of Bhupinder Singh armed with a pistol, Bhupinder Singh armed with a datar, Puran Singh son of Major Singh armed with a datar, Major Singh armed with a rifle, Lakha Singh armed with gandasi, Mandeep Singh son of Shingara Singh armed with a datar, Kuldip Singh son of Shingara Singh armed with a datar, Sahba Nihang armed with a datar, along with his two sons, eldest armed with a rifle, youngest armed with a datar, came to the spot and started giving filthy abuses to Balwinder Singh and Major Singh; that the assailants fired shots at Balwinder Singh and Major Singh causing injuries to them, resultantly they succumbed to the injuries; that the assailants were also accompanied by 3-4 unidentified persons having deadly weapons, who had snatched the DBBL gun from Balwinder Singh and pistol from Major Singh shooting them with such weapons; that the complainant and Mukhwinder Singh withdrew themselves out of fear; that on 16.8.2014, Kiranjit Kaur made a supplementary statement to the police stating that on 11.8.2014 when she had made statement, she was under tremendous shock, therefore, she had got recorded that Joginder Singh son

of Mangal Singh was armed with a datar, whereas actually Mangal Singh son of Joginder Singh was armed with a datar; that she had got recorded that Harpal Singh son of Bhupinder Singh was armed with pistol when it was Gurmukh Singh @ Bhalu, who was armed with pistol; that Bhupinder Singh was got recorded to be armed with a datar, when in fact Harpinder Singh son of Gurmukh Singh was armed with a datar; that Puran Singh son of Major Singh was got recorded as armed with a datar, was in fact, Puran Singh son of Atma Singh armed with a datar and Major Singh got recorded to be armed with a rifle, was in fact, Major Singh son of Puran Singh armed with a rifle, Lakha Singh was got recorded to be armed with a gandasi, was in fact, Lakha Singh alias Lakhwinder Singh son of Joginder Singh armed with a gandasi, Mandeep Singh son of Shingara Singh got recorded to be armed with a datar and Kuldeep Singh son of Shingara Singh armed with a datar and Sahba Nihang armed with a datar, were in fact, Harbhajan Singh alias Bhajja Nihang son of Kishan Singh armed with a datar, and the eldest son of Sahba Nihang was in fact Paramjit Singh son of Gurmukh Singh armed with a dang and the youngest son was in fact Joga Singh son of Kashmir Singh armed with a dang, having come to the spot along with 2-3 unidentified persons and they snatched the rifle of Balwinder Singh and revolver of Major Singh, therefore, there was injury on the head of Balwinder Singh, and injuries to Major Singh, due to which they died.

The accused could not be arrested in this case and was declared a proclaimed offender and subsequently he was arrested on 7.6.2017 and since then he is in custody. He had filed an application for

regular bail in the Court of Sessions, which was declined by learned Additional Sessions Judge, Gurdaspur vide order dated 31.10.2017, as such, he has approached this Court with same request.

Notice of the petition was given to respondent – State and counsel representing the State has put in appearance.

I have heard learned counsel for the parties besides going through the record.

Keeping in view the seriousness of allegations that accused was one of the assailants, who had attacked Balwinder Singh, Major Singh and Mukhwinder Singh committing the murder of Balwinder Singh and Major Singh and further that accused was on run after the incident and he was declared a proclaimed offender, subsequently arrested in this case, there is reasonable apprehension of his trying to tamper with the prosecution evidence and running away from the process of law, if granted bail. The mere fact that his co-accused have been acquitted after trial is certainly no ground to grant any concession to the petitioner, who by his past record cannot be relied upon to appear in the Court regularly and not to prolong the trial by his absence without any intimation. Supplementary challan has since been filed in the Court and charge has been framed. If the petitioner is found to be innocent, he will be acquitted but at this stage, no ground is made out for granting regular bail to the petitioner.

Therefore, finding no merits in the petition, the same stands dismissed.

However, while parting with the discussion, the trial Court is

directed to conclude the trial expeditiously preferably within a period of six months from the date of receipt of copy of this Court in the said Court.

20.3.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No