

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

209/4

CRM-M No.6209 of 2018

Date of Decision: 21.2.2018

GURWINDER SINGH @ GURINDER SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.G.S.Bhatia, Advocate,
for the petitioner.

Mr.Hittan Nehra, Addl.A.G.Punjab.

RAJ MOHAN SINGH, J.(oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No. 135 dated 20.8.2017 registered under Sections 302/ 307/ 323/ 324/ 452/ 447/ 511/ 506/ 427/ 120-B/ 148/ 149 IPC, Sections 25/ 27/ 54/ 59 of the Arms Act and Sections 3(1)(X), 3(2)(V) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act at Police Station Lopoke, District Amritsar Rural.

Learned counsel for the petitioner submitted that there was a well fought litigation between the parties in respect of land belonging to one Chanan Kaur, which was allotted to her in the category of landless persons in the village. Husband of Chanan Kaur was relative of Harbhajan Singh. In the year 1975,

an allegation was made that Harbhajan Singh and others in connivance got murdered Chanan Kaur through his brother Narinder Singh. Narinder Singh was ultimately convicted and sentenced for life. Mutations were sanctioned in connivance with the revenue staff in favour of Harbhajan Singh. Some of the villagers had even constructed their houses on the land so allotted to them. Those villagers challenged the mutations before the Sub Divisional Magistrate, who ultimately cancelled the same in the year 2011. Mutations were sanctioned in favour of Government of Punjab. Collector and Commissioner maintained the order of the Sub Divisional Magistrate. Ultimately, CWP was filed in the High Court, in which Director, Panchayati Raj made a statement that 95 allottees of the village will be accommodated with other land on exchange basis. In view of the said statement, the writ petition was decided in favour of Harbhajan Singh.

Learned counsel for the petitioner further submitted that on 18.7.2017, there was alleged delivery of possession. The allegations were made that an effort was made to take forcible possession of the land by a mob consisting of about 200 persons. As per allegations Rupinder Singh fired upon Sukhdev Singh, who fell down. Amandeep Singh also fired upon Sahib Singh, thereby causing injury upon him. Other assailants also assaulted the complainant party. Petitioner was not named in

the FIR. He was involved on the basis of supplementary statement. Thereafter, inquiry was conducted by SP(D) and the petitioner was found to be innocent. On the basis of inquiry report submitted by SP(D), Amritsar, police has also filed an application in the Court for discharge of the petitioner

The aforesaid facts have not been disputed by the learned State counsel, on instructions from ASI Kulwinder Singh.

Taking into consideration all the aforesaid facts and without commenting upon merits of the case, I deem it appropriate to grant concession of regular bail to the petitioner. Consequently, this petition is allowed. Petitioner is ordered to be enlarged on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of Chief Judicial Magistrate, Amritsar.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

February 21, 2018

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**(RAJ MOHAN SINGH)
JUDGE****Whether reasoned/Speaking
Whether reportable****Yes/No
Yes/No**