

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 6212 of 2018 (O&M)

Date of decision : 4.4.2018

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Kirpal Singh

.....Petitioner

vs.

State of Punjab

.....Respondent

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

Present: Mr. Bhupinder Ghai, Advocate
for the petitioner.

Mr. Saurav Khurana, Deputy Advocate General,
Punjab.

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H. S. Madaan, J.

This petition for grant of regular bail has been filed by petitioner – Kirpal Singh, an accused in DDR No. 19 dated 30.8.2017 for offences under Sections 307, 323, 324, 506, 148,149 IPC read with Section 25/27/54/59 of the Arms Act in FIR No. 187 dated 26.8.2017, for offences under Section 302/34 IPC and Section 25/27 of the Arms Act, registered at Police Station Sadar, Khanna, District Ludhiana.

Briefly stated, facts of the case as per the prosecution story are that the FIR in this case was registered on the basis of

statement of Amandeep Singh s/o Kirpal Singh (present petitioner) r/o Ikolaha, Police Station Sadar Khanna, with regard to murder of his real brother Gurjant Singh, whereas counter version was recorded at the instance of Davinder Singh @ Deepa s/o Balvir Singh, resident of that very village, wherein he stated that they are three brothers and out of those, his brother Harjit Singh alongwith his family is residing at Mandi Gobindgarh, whereas he – complainant Davinder Singh @ Deepa had been residing with his other brother Gurjant Singh and their parents; that house of the complainant Davinder Singh @ Deepa adjoins the house of his paternal uncle Kirpal Singh s/o Sadhu Singh; that one can see entire house of Kirpal Singh from balcony of room situated on the roof of the house of the complainant. On 25.8.2017, at about 8.00 P.M. when the entire family of the complainant was present in their house, at that time, Balvir Singh father of the complainant had gone to the room on the roof of their house for the purpose of sleep. Then Balvir Singh came downstairs hurriedly and disclosed that Gurjant Singh s/o Kirpal Singh who was serving in Indian Army and had come on leave, was using abusive language for him, claiming him of watching their ladies and he was asking his entire family to come out so as to teach a lesson to Balvir Singh. Hearing that, complainant Davinder Singh @ Deepa alongwith his brother Satwinder Singh, wife Parminder Kaur , father Balvir Singh came out of their house and they saw that Gurjant Singh armed with a double barrel gun, Amandeep Singh armed with a gandasa, Kirpal Singh armed with a gandasa, Jaila armed with a wooden stick, Gurjit Kaur @ Kammi wife of Amandeep Singh empty handed, came out of

their house, raising lalkaras and they attacked complainant Davinder Singh @ Deepa and his other family members with their respective weapons. Gurjant Singh fired a shot towards the complainant and one pallet hit the complainant beneath his left ear, as such he became unconscious. When he regained consciousness, he found that his wife, besides brother Satwinder Singh and Balwinder Singh and father Balvir Singh had also suffered injuries and during that scuffle one fire shot by Gurjant Singh had hit himself, as a result of which he had died later on.

Injured were removed to Civil Hospital, Khanna, whereas Balvir Singh was referred to Rajindra Hospital, Patiala and the complainant was referred to PGI, Chandigarh.

After registration of the counter version accused petitioner was arrested in this case. He had moved an application for regular bail stating that he is in custody since 30.10.2017, as such he be granted bail. His such request was declined by Additional Sessions Judge, Ludhiana, to whom the bail application had been assigned, vide order dated 12.1.2018, as such he has approached this Court for grant of similar relief, which is being opposed by the State Counsel.

The request is being opposed by the learned State counsel.

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

Though it is undisputed that petitioner Kirpal Singh had lost his young son Gurjant Singh in the incident regarding which FIR was lodged by Amandeep Singh, another son of the present petitioner

Kirpal Singh, but then accused party had also suffered injuries and cross version has also been recorded at the instance of Davinder Singh @ Deepa, for offences under Sections 307, 323, 324, 506, 148, 149 IPC and Sections 25/27 of the Arms Act. The role attributed to the petitioner in the cross version is not such that any case is made out for grant of regular bail to him. Though he is stated to be aged 65 years, suffering from various diseases but then considering the way he had participated in the cross version and nature and extent of injuries on the persons of the injured, no case for grant of regular bail is made out.

There are reasonable chances of his absconding and trying to tamper with the prosecution evidence, if granted bail. Therefore, I do not find any merit in the present petition and the same stands dismissed.

However, while parting with the discussion, the trial Court is directed to conclude the trial expeditiously by giving short adjournments, preferably within a period of six months from the date of receipt of a certified copy of this order in the said Court.

4.4.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No