

216

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

**CRM-M No.9051 of 2018
Date of Decision: 12.03.2018**

HARJINDER SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Naveen Bawa, Advocate
for the petitioner.

Mr. Sandeep Kumar, D.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 20.08.2017, registered under Sections 302/307/323/324/452/447/511/506/427/120-B/148/149 IPC, under Section 25/27 of the Arms Act, and Under Sections 3(1)(X), 3(2)(V) of the S.C.S.T. Act at Police Station Lopoke, District Amritsar.

Learned counsel for the petitioner submitted that the petitioner was implicated in the supplementary statement of the complainant Harjit Singh, which was made on the same day, wherein name of the petitioner along with Gurwinder Singh @

Gurinder Singh came to be disclosed to the extent of participating in the occurrence.

Learned counsel further 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 other in connivance with each other got murdered Chanan Kaur through his brother Narinder Singh. Narinder Singh was ultimately convicted and sentenced for life. Mutations were sanctioned 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. The said writ petition was disposed of accordingly in favour of Harbhajan Singh.

Learned counsel further submitted that on 18.07.2017,

there was alleged delivery of possession. Allegations were made that an effort was made to take forcible possession of the land by a mob consisting of about 200 people. 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. Petitioner's name came to be disclosed by the complainant only in the supplementary statement, wherein no specific part has been assigned to him.

Learned counsel further submitted that co-accused namely Gurwinder Singh @ Gurinder Singh, Sukhbir Kaur, Manpreet Singh, Jasbir Singh, Pawandeep Singh and Gurpreet Singh have already been granted regular bail by the High Court.

On the other hand, learned State counsel on instructions from ASI Kulwinder Singh submitted that the charges are yet to be framed.

At this stage, without adverting to the merits of the case, I deem it appropriate to grant concession of regular bail to the petitioner, who is in custody since 02.09.2017.

In view of above, petition is allowed. Petitioner is ordered to be enlarged on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the Chief

Judicial Magistrate/Duty Magistrate, Amritsar.

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

March 12, 2018

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No