

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

**CRM-M No. 10922 of 2019 (O & M)
Date of Decision:-08.04.2019**

Karanvir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Bipan Ghai, Sr. Advocate with
Mr. Mandeep Kaushik, Advocate
for the petitioner.

Mr. Harsimar Singh Sitta, AAG, Punjab.

MANOJ BAJAJ J.(Oral)

Petitioner Karanvir Singh has filed this petition for grant of regular bail pending trial in case FIR No.122 dated 10.6.2012, under Sections 302, 307, 420, 467, 468, 471, 201, 148, 149, 506 and 427 IPC and Sections 25, 27, 54 and 59 of Arms Act, 1959, registered at Police Station Salem Tabri, District Ludhiana. The relevant version as contained in the FIR and noticed in the order dated 26.3.2018 passed by the Additional Sessions Judge, Ludhiana, is extracted below :-

“As per the version of the complaint that he along with Gurwinder Singh @ Bunty and his relative Balkar Singh son of Kehar Singh resident of Bahadurke Road, Ludhiana were going on their car Bolero Bearing

number PB-10-DL-9798 and when they crossed near the bazigar basti, then in the meantime in front of their car, one car make Endeavour bearing number PB-49-0001 of white color and one another car make Pajero came. Thereafter accused persons namely Karanvir Singh applicant-accused son of Gurdev Singh, Gurdev Singh @ Debu son of Assa Singh, Baljinder Singh @ Gogi son of Nirmal Singh, Davinder Singh @ Gogi son of Pritam Singh and Vicky came out from their said Endeavour car. Out of them Karanvir was armed with pistol/revolver, Vicky Sekhon was armed with base ball bat, Davinder Singh @ Gogi was armed with pistol/revolver and Baljinder Singh @ Gogi was armed with revolver. On coming out of the said car the accused Vicky Sekhon gave a base ball bat blow on the glasses of their case and broke the same. Then accused Gurdev Singh @ Debu raised lalkara that today they will teach a lesson to Banti and kill him. There he and Balkar Singh came out from their car and tried to make pacify the accused persons but in the meantime accused Davinder Singh @ Gogi fired from his pistol and raised lalkara that today they will not spare the Gurbinder Singh @ Banti. Thereafter, accused persons applicant-accused Karanvir Singh and Baljinder Singh @ Gogi had forcibly dragged Gurbinder Singh @ Banti from the said car and accused-applicant Karanvir Singh fired from his pistol at Gurbinder Singh @ Banti, which hit him on his chest due to which he fell down on the earth. Thereafter, accused persons flew away from the spot along with their respective weapons. The motive behind this occurrence is that about one year ago applicant-applicant Karanvir Singh had attached Davinder Singh

@ Gogi at his home. On this a criminal case under Section 307, 450, 148, 149 of IPC and 25 Arms Act was registered against the applicant-accused Karanvir Singh.”

Learned senior counsel for the petitioner contends that the petitioner was arrested in this case on 15.6.2012 and by now he has been in custody approximately for a period of 07 years. It is contended that rest of the co-accused have been extended the concession of regular bail. It is also pointed out that the prosecution has discharged onus by examining its all witnesses and statements of accused under Section 313 Cr.P.C. have also been recorded and case before the trial Court is now fixed for leading defence evidence. It is pointed out that during the pendency of the trial on five occasions interim regular bail was granted to the petitioner to facilitate him to attend his ailing father. The last order dated 22.2.2019 in this regard passed by the Additional Sessions Judge, Ludhiana is on record as Annexure P-6. Attention of the Court is invited to the fact that there is no observation of the Court that the concessions earlier granted to the accused were ever misused. According to him on every occasion the petitioner surrendered in time before the concerned authorities. It is further contended that the health of father of petitioner is still serious.

On the other hand, learned State counsel has opposed the concession on the ground that the offence is of grave nature. However, it is not disputed that the condition of father of the petitioner is critical and an affidavit of Mukhtiar Rai, PPS, Assistant Commissioner of Police (North), Ludhiana has been filed in Court today, wherein, it is mentioned that father

of the petitioner is admitted in Fortis Hospital, Mohali w.e.f. 24.3.2019 and he is on artificial life support system.

At this stage, it will not be necessary to go into the allegations against the petitioner, particularly when the prosecution has adduced its entire evidence. Resultantly, there is no possibility of winning over any witness and on the other hand it will facilitate the petitioner to attend his ailing father and also to adduce the defence evidence effectively.

Considering the above, no useful purpose will be served by further detaining the petitioner in custody, resultantly, without meaning any expression of opinion on merits of the case, it is ordered that the petitioner Karanvir Singh be released on regular bail subject to his furnishing the requisite bail bonds and surety bonds to the satisfaction of the trial Court.

In view of this order passed in the main case, the application for interim regular bail (CRM-11542-2019) is rendered infructuous and the same is disposed off as such.

The petition is allowed.

April 08, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No