

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-19726-2019 (O&M)
Date of Decision:-8.5.2019

Sukhdev Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Jasmeet Singh Ghumman, Advocate for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

GURVINDER SINGH GILL, J.(Oral)

The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.80 dated 7.7.2017 registered at Police Station Lohian, Jalandhar Rural under Sections 302, 307, 107, 148 and 149 of Indian Penal Code, 1860 and Sections 25 and 27 of Arms Act.

The FIR was lodged at the instance of Sukhjit Singh wherein it has been alleged that on the day of occurrence when the entire family of the complainant after having dinner was preparing to sleep, then they heard noises of several tractors accelerating (revving up of engine) outside and when the complainant went out, he saw Sukhdev Singh, Manjinder Singh, Jaswinder Singh along with 6/7 unidentified persons standing there who were hurling abuses. It is alleged that Dhira Singh, Hira Singh, Pala Singh and Mindu were accelerating and revving up engine of tractors and were

hurling abuses to Sukhdev Singh etc. It is alleged that Manjinder Singh was carrying rifle, Jaswinder Singh a pistol and Sukhdev Singh a 'Kirpan' while other unidentified persons were also carrying weapons. Pala Singh and others are alleged to be carrying sticks. It is thus alleged that there were two groups. It is further alleged that in the meanwhile Sukhdev Singh and Jaswinder Singh raised '*Lalkara*' and Sukhdev Singh exhorted Manjinder Singh to fire a shot at them and upon which Manjinder Singh fired a shot from his rifle at Pala Singh and the said shot hit complainant's son Gurbir Singh, complainant's wife Lakhwinder Kaur and complainant's brother Hira Singh. It is the case of the prosecution that on account of the said fire arm injury, Gurbir Singh ultimately expired.

The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that the falsity would be evident from the fact that the complainant's wife and brother, while in the witness-box as PW-2 and PW-3, have not supported the case of prosecution at all and have not identified the accused. It has further been submitted that even the Ex-Sarpanch of the village i.e. PW-5 Amrik Singh has not supported the case of prosecution and that in these circumstance, no purpose would be served by further detaining the petitioner behind bars.

Opposing the petition, the learned State counsel has submitted that the complainant himself has fully supported the case of prosecution and that in these circumstances the petitioner, who is specifically named in the FIR and had raised a '*lalkara*', does not deserve the concession of bail.

I have considered rival submissions addressed before this Court.

The petitioner is stated to be aged more than 60 years and is attributed a '*lalkara*'. PW-2 Lakhwinder Kaur, who had allegedly sustained injuries in the occurrence and has absolutely resiled from her statement. Even, PW-3 Heera Singh, brother of the complainant, has not supported the case of prosecution. Although the complainant has stated in tune with the allegations levelled in the FIR, but it would certainly be debatable as to which of the statement is to be accepted as correct. Since it is almost 1 year and 9 months that the petitioner has been behind bars, further detention of the petitioner, in these circumstances, would not serve any useful purpose. The petition, as such, is accepted and the petitioner Sukhdev Singh is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

The petition stands accepted accordingly.

8.5.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No