

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

1. CRM-M-44222-2018

Sukhpal Singh @ Sukha

...Petitioner

Versus

State of Punjab

...Respondent

2. CRM-M-51589-2018

Joginder Singh

...Petitioner

Versus

State of Punjab

...Respondent

Date of decision: 15.01.2019

CORAM:- HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. S. P. S. Sidhu, Advocate
for the petitioner in CRM-M-44222-2018.

Mr. Amaninder Preet, Advocate
for the petitioner in CRM-M-51589-2018.

Mr. M. S. Nagra, AAG, Punjab.

Mr. N. K. Vadhera, Advocate
for the complainant in both cases.

ARVIND SINGH SANGWAN, J. (Oral)

This common order shall dispose of above noted two petitions
as they arise out of the same FIR.

Prayer in the both the petitions, filed under Section 439 Cr.P.C.
is for grant of regular bail to petitioners Sukhpal Singh @ Sukha and

Joginder Singh in FIR No. 63 dated 08.05.2018, under Sections 302, 307, 323, 325, 447, 506, 435, 511, 148, 149 of the IPC and Sections 25, 27 of the Arms Act, 1959, registered at Police Station Guru Har Sahai, District Ferozepur.

Brief facts of the case, as per allegations in the FIR, are that on 08.05.2018, the aforesaid FIR was registered at the instance of one Ajit Singh (complainant) who has stated that his uncle Balwant Singh was the owner of 2 Quila, 2 Kanals and 2 Marlas of land which was given to him (complainant) and his brother Surjit Singh on lease. The complainant came to know that one Gurpreet Singh s/o Aroor Singh has fabricated an agreement to sell and has obtained an *ex-parte* decree in his favour and then got a sale deed executed and has also got Girdwari entries corrected in his name. It is further stated in the FIR that on the day of incident i.e. 08.05.2018 at about 10.00 AM, aforesaid Gurpreet Singh along with other co-accused, including petitioner Sukhpal Singh @ Sukha who was armed with rifle and petitioner Joginder Singh armed with a handle of spade and match box, along with other 60/70 persons came at the spot. Satnam Singh and Jagtar Singh raised *lalkara* and the persons, carrying rifle and pistols, started firing. Gurpreet Singh fired a shot which hit the left side of the chest of complainant's niece Lachhmi Devi and thereafter, Satnam Singh fired a shot which hit on the head of Teja Singh. Then Mangal Singh fired a shot which hit left hand of the complainant. Bhupinder Singh fired a shot which hit the head of Kapoor Singh. The other persons also caused injuries with their respective weapons and Malkeet Singh and his wife Paramjit Kaur also received injuries. While leaving the spot, petitioner Joginder Singh set the wheat husk, which was lying the field, on fire.

Learned counsel for petitioner further submits that petitioner Sukhpal Singh @ Sukha is in judicial custody since 09.05.2018 and no specific injury is attributed to him except that while leaving for the place of incident, he fired in air and was also with other persons and even no *lalkara* is attributed to him.

It is further argued on behalf of petitioner Sukhpal Singh @ Sukha that after the challan was submitted, the police submitted a report under Section 173(8) Cr.P.C., based on the inquiry conducted by the DSP, Guru Har Sahai, and also moved an application for discharge of the petitioner from custody, however, the same was dismissed, vide order dated 12.09.2018, which is under challenge in CRR-3892-2018.

Learned counsel, appearing for petitioner Joginder Singh, has submitted that father of the petitioner, namely Jagtar Singh, was in fact a witness to the sale deed executed on the basis of the alleged *ex-parte* decree in favour of Gurpreet Singh and on that account, he and his father have falsely been implicated in the present case. It is further argued that only allegation against the petitioner is that while leaving the place of occurrence, he has put the wheat husk on fire which was lying in the field.

Learned State counsel, on instructions from ASI Darshan Singh, has submitted that challan has already been presented and charges have been framed, however, out of total 13 prosecution witnesses, none has been examined so far. It is further submitted that out of 11 accused persons, 06 persons were found innocent during inquiry conducted by the DSP, Guru Har Sahai and against 02 persons, PO proceeding is pending and other 03 persons, including petitioners herein, were arrested. It is also submitted that main accused Gurpreet Singh also stands arrested.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the facts that qua petitioner Sukhpal Singh @ Sukha, the police itself submitted a report under Section 173(8) Cr.P.C., based on the inquiry conducted by the DSP, Guru Har Sahai, and also moved an application for discharge of the petitioner from custody, though the same was declined by the trial Court and also considering the role attributed to him as well as the submissions made on behalf of petitioner Joginder Singh that his father was a witness to the sale deed of the disputed land where the occurrence has taken place, the instant petitions are allowed. Petitioners Sukhpal Singh @ Sukha and Joginder Singh are ordered to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate concerned.

However, anything observed herein shall have no bearing on the merits of the case.

A photocopy of this order be placed on the file of other connected case.

January 15, 2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No