

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

CRM-M-54755-2018 (O&M)

Date of Decision:-10.1.2019

Harpreet Singh @ Kala

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. A.P.S. Randhawa, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Assistant Advocate General, Punjab.

GURVINDER SINGH GILL, J.(Oral)

The petitioner seeks grant of regular bail in case registered vide FIR No.75, dated 12.9.2016, registered at Police Station Tapa Mandi, District Barnala, under Sections 304, 307, 323, 341, 473, 506, 148, 149 and 120-B of Indian Penal Code, 1860 and Section 25 of Arms Act, 1959.

The FIR was registered on the basis of statement of Saudagar Singh (deceased himself) wherein it has been alleged that on the day of occurrence he was travelling in bus from Phul to Sangrur and on the way a Scorpio vehicle bearing registration No.PB-03AH-3760 was following the said bus. The said vehicle was being driven by Simarajit Singh @ Simra who was accompanied by Major Singh, Kamaljit Singh, Harpreet Singh @Kala, Gurtej Singh @ Teja and three unidentified persons. It is alleged that they halted the bus at 2.00 p.m., and after entering the bus, Gurtej Singh @ Teja

dragged him by holding his legs. However, he caught hold of the iron pole. It is further stated that Simarjit Singh @ Simra was armed with 'revolver' and 'handle of hand pump' with which he gave blow on his right leg. Kamaljit Singh also caused injuries with the 'handle of hand pump' on his left leg. It is stated that he raised his hand to ward off the blow inflicted by petitioner-Harpreet Singh @ Kala with 'rod', which landed on the left thumb, Jaskaran Singh @ Lali caused injury with the 'stick' on his left arm and Major Singh was threatening the passengers in the bus not to come to his rescue or else they would be shot.

Learned counsel for the petitioner has submitted that during the course of recording of evidence, sole eye-witnesses Kaur Singh stepped into the witness box but he has not stated a word against the petitioner. Similar is the statements of Jasvir Singh and Aman Singh who have also not supported the case of prosecution. The petitioner has thus prayed for grant of bail.

On the other hand learned State counsel has submitted that although the injured Saudagar Singh had died subsequently but the FIR which was recorded at his instance wherein he has specifically named the petitioner would be relevant piece of evidence and that in these circumstances the petitioner does not deserve the concession of bail.

Having considered rival submissions addressed before this Court and bearing in mind the fact that the petitioner has been behind bars since the last almost one and a half years and that the eye-witness Kaur Singh as well as PW Jasvir Singh and Aman Singh have resiled, in my opinion, no fruitful purpose would be served by further detaining the petitioner behind bars as the conclusion of trial, in its normal course, is likely to take some time. The petition, as such, is accepted and the petitioner-

Harpreet Singh @ Kala is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

This petition stands accepted accordingly.

10.1.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No