

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

205

**CRM-M-4737-2020
Date of decision: 16.07.2020**

Ranjit Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. H.S. Sullar, DAG, Punjab
for the respondent-State.

Mr. Imran Ahmad Ali, Advocate
for the complainant.

ARUN KUMAR TYAGI, J (ORAL)

The case has been taken up for hearing through video conferencing.

Mr. Prateek Pandit, Advocate has put in appearance on behalf of the petitioner and filed his power of attorney with No Objection through e-mail print out of which is taken on record.

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C.") for grant of regular bail in case FIR No.86 dated 06.06.2017 registered at Police Station Subhanpur, District Kapurthala under Sections 307, 109 and 120-B of the Indian Penal Code, 1860 (for short, "IPC") and Section 25 of the Arms Act, 1959 to which Section 115 of the IPC was added later on.

The above said FIR was registered on statement of complainant-Daljit Singh who alleged that on 05.06.2017 at about

08:10 P.M., when he was going on his motorcycle from his farm house to his house and reached near the temple on Dhilwan-Nadala Road two clean shaven persons of the age of 25 and 27 years came on pulsar motorcycle and asked him about petrol pump. He told them the way to the petrol pump. One of the persons who had muffled his face fired at him with a country made pistol .12 bore and the shot hit him on his right shoulder at the back. While fleeing away, the above said persons abused him and told him that he had been taught a lesson for messing up with Kulwinder Singh @ Babbal.

The petitioner, who is in custody since the date of his arrest, has filed the present petition for grant of regular bail.

The petition has been opposed by the learned State counsel and learned counsel for the complainant. However, no written reply has been filed.

I have heard learned counsel for the petitioners, learned State counsel and learned counsel for the complainant and gone through the relevant record.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case after two years from the date of registration of the FIR on the basis of alleged confessional statements made by him and his co-accused Sukhwinder Singh @ Nimma and Jaskaran Singh @ Bau. Co-accused Kulwinder Singh @ Babbal who is alleged to have hired him and his co-accused has been exonerated by the police during investigation and application for his discharge is pending before the trial Court. Co-accused Kulwinder Singh @ Babbal has already been granted anticipatory bail by

Coordinate Bench of this Court vide order dated 28.09.2017 passed in CRM-M-26242-2017 and co-accused Sukhwinder Singh @ Nimma and Jaskaran Singh @ Bau have been granted regular bail by this Court vide order dated 13.07.2020. The trial is likely to take long time and no useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted concession of regular bail.

On the other hand, learned State counsel has submitted that in view of the serious nature of the offences committed for monetary consideration, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

Learned counsel for the complainant has argued that the petitioner and his co-accused Sukhwinder Singh @ Nimma and Jaskaran Singh @ Bau are professionals who were hired by Kulwinder Singh @ Babbal to kill the complainant. The life of the complainant will be in danger if the petitioner is granted bail. Therefore, the petition may be dismissed.

In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioner, the fact that co-accused Kulwinder Singh @ Babbal has been exonerated by the police and has been granted anticipatory bail by this Court vide order dated 28.09.2017 and parity of the case of the petitioner with that of his similarly placed co-accused Sukhwinder Singh @ Nimma and Jaskaran Singh @ Bau who have been granted regular bail by this Court vide order dated 13.07.2020 coupled with the fact that the trial is likely to take long time but without meaning to comment on merits of the case, I

am of the considered view that the petition deserves to be allowed.

Accordingly, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of requisite bail bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

However, the petitioner is granted regular bail subject to the condition that he shall not commit similar offence and in case of commission of similar offence by him in future his bail in the present case shall also be liable to be cancelled on application to be filed in this regard.

16.07.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No