

CRM-M-4691-2020

Sahib Singh @ Bachi vs. State of Punjab

CRM-M-13967-2020

Harpreet Singh Brar @ Happy vs. State of Punjab

CRM-M-4683-2020

Harkamal Singh @ Soni vs. State of Punjab

CRM-M-751-2020

Ranjeet Singh vs. State of Punjab

Present: Mr. Vikram Chaudhari, Sr. Advocate with
Mr. Keshvam Chaudhari, Advocate,
for the petitioner in CRM-M-13967-2020.

Mr. Pritam Singh Saini, Advocate,
for the petitioner in CRM-M-751-2020.

Mr. Parampreet Singh Brar, Advocate,
for the petitioners in CRM-M-4683-2020 &
CRM-M-4691-2020.

Mr. Bhupinder Beniwal, DAG, Punjab

Ms. Riffi Birla, Advocate,
for the complainant.

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

CRM-M-13967-2020

Mr. Chaudhari, learned Senior Counsel appearing for the petitioner, submits that even as per the disability certificate (Annexure P-1), the petitioner is disabled to the extent of 60% and therefore, there was no question of him firing with a rifle as is alleged in the petition (at a deceased person

who had already been fired upon five times earlier) and further, he would not be able to scale the wall of the Gurudwara, with admittedly the gate of the Gurudwara having been shut in the evening.

He further submits that he has been in custody since November 09, 2016, i.e. for a period of 3 years and 9 months and consequently, he deserves to be admitted to bail.

Ms.Riffi Birla, learned counsel appearing for the complainant on the other hand has forwarded to the Reader of this court a photograph showing one person holding a mobile phone and another sitting next to him holding a cup of tea, whom she says he is the petitioner. She therefore submits that if the petitioner can hold a cup of tea with his right hand, obviously he can therefore fire a rifle also.

Mr.Beniwal, learned DAG, Punjab, also submits that the petitioner having actively participated in the crime of attacking persons inside a Gurudwara and having been attributed a role of actually firing a rifle, he does not deserve the concession of bail.

However, as regards the petitioners' disability, as per his instructions, the disability does exist, with the period of custody also not denied.

Though, I do not fully agree with learned counsel for the petitioner as regards the petitioner not being able to scale a wall because he could have been helped in doing so, and as regards not being able to fire a rifle, possibly if the rifle was light enough, it may have been fired with one hand, etc.; however, keeping in view the above, i.e. specifically the petitioners' disability as is not denied by the State, as also his period of custody, as also the stage of the trial, without making any comment whatsoever on the actual merits of the case, the

petition is allowed and the petitioner is ordered to be admitted to bail, upon him furnishing adequate bail and surety bonds to the satisfaction of the trial court/CJM/Duty Magistrate, concerned.

**CRM-M-4683-2020 &
CRM-M-4691-2020**

Mr.Brar, learned counsel for the petitioners, submits that the petitioners-Harkamal Singh @ Soni and Sahib Singh @ Bachi, were never named in the FIR and they have been arraigned as accused only on a subsequent statement made by one of the injured to the effect that the aforesaid petitioners were present at the spot holding *kirpans* but again with no specific injury attributed to them at all.

He also submits that the petitioners have also been in custody for the past 3 years and 9 months.

The above factual position could not be refuted by learned State counsel or counsel for the complainant, who otherwise oppose granting them bail on the ground that a triple murder having been taken place, they do not deserve to be admitted to bail.

Having considered the matter, without making any comments on the actual merits of the case, for or against the aforesaid petitioners, but keeping in view the aforesaid circumstances, including the period of custody, both the petitions are allowed and the petitioners are ordered to be admitted to bail, upon them furnishing adequate bail and surety bonds to the satisfaction of the trial court/CJM/Duty Magistrate concerned.

CRM-M-751-2020

Mr.Saini, learned counsel for the petitioner, points out that even in the post mortem report as regards Harvinder Singh, upon whose person the petitioner is attributed a gun shot wound on his chest, there were only pellet marks found to be present on the chest and consequently, with the petitioner attributed to have fired a shot with a .32 bore revolver, obviously it would not be pellets that would be seen on the chest of the deceased but a single wound corresponding to a projectile from a .32 bore revolver.

Learned counsel for the complainant as also learned State counsel seek time to study the case file thoroughly to determine as to whether, other than on Harvinder Singh, the petitioner has been attributed a gun shot injury, or any other injury, on any other person or not.

Adjourned to 01.09.2020.

A photocopy of this order be placed on the files of the connected cases.

August 27, 2020
dharamvir

(AMOL RATTAN SINGH)
JUDGE