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

CRM-M-8319-2019 & CRM-M-10477-2020

Date of Decision: 12.10.2020

Gurdeep Singh @ Pappa

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Narinder Singh, Advocate,
for the petitioner in CRM-M-8319-2019.

Mr. P. S. Dhaliwal, Advocate
for the petitioner in CRM-M-10477-2020.

Mr. Saurav Khurana, DAG, Punjab.

Mr. G. S. Sidhu, Advocate
for the complainant in both cases.

SUDIP AHLUWALIA, J. (ORAL)

These are petitions seeking release of the petitioner(s) on regular bail under Section 439 Cr.P.C, in case FIR No.99 dated 15.10.2018, under Sections 302, 307, 323, 201, 148, and 149 of the IPC and Sections 25 and 27 of Arms Act, 1959, registered at Police Station Bhadaur, District Barnala.

[2]. Gurdeep Singh who is the petitioner in CRM-M-8319-2019 has by now remained in detention for almost 2 years since 15.10.2018 whereas Gurjant Singh and Nazam Singh @ Nazzi, who are the petitioners in CRM-M-10477-2020 have remained in detention for almost an identical period since their arrest on 18.08.2018.

[3]. Learned Counsel for both sets of petitioners have drawn attention to the fact that no fatal injuries are imputed to them on the

deceased-Happy Singh and Jagdeep Singh.

[4]. The PMR (Annexure P-1) of deceased Happy Singh has been filed on behalf of the petitioners in CRM-M-10477-2020 in which the cause of the victim's death has been described to be hemorrhage and shock due to firearm injuries whereas according to the FIR, the said deceased was attacked by the concerned petitioners, who allegedly gave Gandasa blows to him. The PMR of the other victim namely Jagdeep Singh has, however, not been filed in either of the two petitions. But Ld. Counsel for the petitioner has drawn attention of the Court to the fact that the allegation against his client is of having given stick blows to the victims whereas actually deaths of both the victims were caused by firearms after gun shots were fired upon them by co-accused Bahadur Singh and Mandeep Singh. In this manner, submission of Ld. Counsel for the petitioners is that clearly they cannot be held guilty of having caused the death of either of the victims. It has further been submitted that by now the trial has virtually been completed and even statements of the accused persons under Section 313 Cr.P.C. had been recorded in the Ld. Trial Court. But, thereafter, a final decision in the matter has been held up since an application under Section 319 Cr.P.C. which was moved on behalf of the complainant/prosecution had been dismissed by the Ld. Trial Court after which the complainant side has preferred CRR No.1398 of 2019 in this Court in which a direction upon Ld. Trial Court was issued not to pronounce the final judgment till further orders. In this manner, according to both sets of petitioners, their clients are being unnecessarily detained in prison for no fault attributable to them for the delay being so caused.

[5]. Be that as it may, it is clear from the FIR that the names of the

petitioners have been specifically mentioned among the group of culprits involved in the double murder of victims Happy Singh and Jagdeep Singh. At this stage, this Court is not expected to go into hair splitting scrutiny of the allegations in the FIR to hold that the petitioners are altogether innocent, simply because no firearm injuries were directly attributable to either of them, when common intention of a group which results into a fatality ascribable to any particular member of the group, legally renders all the others present or abetting the actual offence to be equally liable.

[6]. For the aforesaid reasons, at this stage, this Court is of the opinion that the petitioners cannot be granted the benefit of regular bail when actually the delay now being occasioned is not attributable to the prosecution side, but due to the fact that hearing on the pending revision in the Court has not been taken up as yet on account of pendency of the ongoing Covid-19 Pandemic.

[7]. Dismissed.

12.10.2020*Ali***(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No