

**103 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No. 18343 of 2020
Date of Decision: 16.07.2020

Manjinder Singh

-Petitioner

Versus

State of Punjab

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. J.S. Ghumman, Advocate,
for the petitioner.
Mr. A.P.S. Gill, D.A.G., Punjab.

RAJ MOHAN SINGH, J. (Oral)

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

Petitioner in his second attempt seeks grant of regular bail in case bearing FIR No.80 dated 07.07.2017 registered under Sections 302, 307, 107, 148, 149 IPC and under Sections 25, 27 of Arms Act at Police Station Lohian, Jalandhar Rural.

The FIR was registered at the instance of Sukhjit Singh wherein he alleged that when entire family of the complainant was preparing to sleep after having dinner, then they heard noises of several tractors accelerating the engine outside. The complainant went out of the house and saw the petitioner, Jaswinder Singh, Manjinder Singh, Sukhdev Singh and 6-7 unidentified persons standing there who were hurling abuses. He further stated that Dhira Singh, Hira Singh, Pala Singh and Mindu were accelerating the

engine of the tractors and were hurling abuses to Sukhdev Singh etc. Petitioner was carrying rifle, Jaswinder Singh was having a pistol, Sukhdev Singh was armed with a Kirpan and other unidentified persons were also carrying weapons. Pala Singh and others were carrying sticks in their hands. They were in two groups. Sukhdev Singh and Jaswinder Singh raised lalkara and Sukhdev Singh exhorted the petitioner to fire a shot at the complainant party. On such exhortion, Manjinder Singh fired a shot from his rifle at Pala Singh which hit son of the complainant namely Gurbir Singh, wife of the complainant namely Lakhwinder Kaur and brother of complainant namely Hira Singh. On account of fire arm injury, Gurbir Singh died.

Learned counsel for the petitioner submitted that during course of evidence of prosecution, the complainant has been examined as PW1 who has not identified the assailants. Similarly, PW2 and PW3 have already been examined and they have not supported the case of the prosecution. All the material witnesses have turned hostile and nothing incriminating could be extracted from their cross-examinations. Factum of material witnesses having become hostile could not be argued in earlier petition as learned counsel for the petitioner was concentrating on the ground that the petitioner has not committed the alleged offence, though the statements of the witnesses were attached as Annexures in the said petition. Earlier petition was withdrawn on 21.01.2020 and thereafter, prosecution evidence has not made any headway due to situation arising out of pandemic COVID-19.

Petitioner is in custody since 16.10.2017.

Out of 28 prosecution witnesses, only 12 prosecution witnesses have been examined so far.

Co-accused namely Sukhdev Singh, Jaswinder Singh, Gurdev Singh and Nirmal Singh have already been granted bail by the High Court in different petitions.

Factum of grant of bail to the co-accused has not been disputed by learned State counsel, however, he submits that in view of part attributed to the petitioner, he is not entitled for any indulgence.

The complainant party i.e. PW1 to PW3 have not supported the case of the prosecution and the trial has not made any progress after recording of last witness. Now due to the situation arising out of pandemic COVID-19, culmination of the prosecution evidence in near future would be a far fetched proposition.

In view of aforesaid facts and circumstances of the case, I deem it appropriate to enlarge the petitioner on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an opinion on the merits of the case.

July 16, 2020

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

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